



**1995**

# ***Illinois Register***

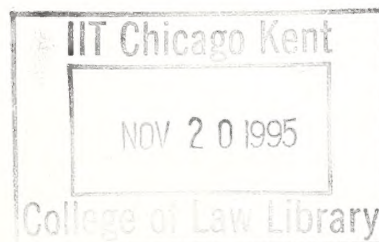
---

## **Rules of Governmental Agencies**

Volume 19, Issue 46— November 17, 1995

Pages 15567 - 15778

---



Index Department  
Administrative Code Div.  
111 East Monroe Street  
Springfield, IL 62756  
(217) 782-7017

published by  
**George H. Ryan**  
Secretary of State



Printed on recycled paper



## TABLE OF CONTENTS

November 17, 1995 Volume 19, Issue 46

### PROPOSED RULES

#### CORRECTIONS, DEPARTMENT OF

##### Public Relations

20 Ill. Adm. Code 103 .....15567

#### PUBLIC AID, DEPARTMENT OF

##### Demonstration Programs

89 Ill. Adm. Code 170 .....15572

##### Medical Payment

89 Ill. Adm. Code 140 .....15581

#### REHABILITATION SERVICES, DEPARTMENT OF

##### Total Life Planning Program

89 Ill. Adm. Code 895, Repeal of .....15601

### ADOPTED RULES

#### CAPITAL DEVELOPMENT BOARD

##### Bidder Responsibility

44 Ill. Adm. Code 950 .....15607

##### Prequalification And Suspension Of Contractors

44 Ill. Adm. Code 950, Repeal of .....15623

#### INSURANCE, DEPARTMENT OF

##### Cost Containment Form And Data Reporting Requirements

50 Ill. Adm. Code 6602 .....15625

##### Transitional Requirements For The Conversion Of Medicare Supplement Insurance Benefits And Premiums To Conform To Medicare Program Revisions

50 Ill. Adm. Code 2011, Repeal of .....15659

#### PUBLIC AID, DEPARTMENT OF

##### Aid To Families With Dependent Children

89 Ill. Adm. Code 112 .....15661

##### General Administrative Provisions

89 Ill. Adm. Code 101 .....15676

##### Medical Payment

89 Ill. Adm. Code 140 .....15692

##### Practice In Administrative Hearings

89 Ill. Adm. Code 104 .....15711

#### PUBLIC HEALTH, DEPARTMENT OF

##### Newborn Metabolic Screening And Treatment Code

77 Ill. Adm. Code 661 .....15720

#### REHABILITATION SERVICES, DEPARTMENT OF

Assessment For Determining Eligibility And Rehabilitation Needs	
89 Ill. Adm. Code 553 .....	15730
Non-Academic Programs And Policies	
89 Ill. Adm. Code 830 .....	15737

#### TRANSPORTATION, DEPARTMENT OF

Rates To Be Charged By Official Testing Stations For School Buses	
92 Ill. Adm. Code 446 .....	15754

#### PEREMPTORY RULES

#### AGRICULTURE, DEPARTMENT OF

Meat And Poultry Inspection Act	
8 Ill. Adm. Code 125 .....	15766

#### JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received .....	15775
-------------------------------	-------

#### ISSUES INDEX..... I-1

**Editor's Note:** The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April 14, 1995 - Issue 15: Through	March 31, 1995
July 14, 1995 - Issue 28: Through	June 30, 1995
October 13, 1995 - Issue 41: Through	September 30, 1995
January 12, 1996 - Issue 2: Through	December 31, 1995 (Annual)



## INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

## REGISTER PUBLICATION SCHEDULE 1995

Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:
Dec. 20, 1994	Dec. 27, 1994	1	Jan. 6, 1995	June 27, 1995	July 3, 1995	28	July 14, 1995
Dec. 27, 1994	Jan. 3, 1995	2	Jan. 13, 1995	July 3, 1995	July 11, 1995	29	July 21, 1995
Jan. 3, 1995	Jan. 10, 1995	3	Jan. 20, 1995	July 11, 1995	July 18, 1995	30	July 28, 1995
Jan. 10, 1995	Jan. 17, 1995	4	Jan. 27, 1995	July 18, 1995	July 25, 1995	31	Aug. 4, 1995
Jan. 17, 1995	Jan. 24, 1995	5	Feb. 3, 1995	July 25, 1995	Aug. 1, 1995	32	Aug. 11, 1995
Jan. 24, 1995	Jan. 31, 1995	6	Feb. 10, 1995	Aug. 1, 1995	Aug. 8, 1995	33	Aug. 18, 1995
Jan. 31, 1995	Feb. 7, 1995	7	Feb. 17, 1995	Aug. 8, 1995	Aug. 15, 1995	34	Aug. 25, 1995
Feb. 7, 1995	Feb. 14, 1995	8	Feb. 24, 1995	Aug. 15, 1995	Aug. 22, 1995	35	Sept. 1, 1995
Feb. 14, 1995	Feb. 21, 1995	9	Mar. 3, 1995	Aug. 22, 1995	Aug. 29, 1995	36	Sept. 8, 1995
Feb. 21, 1995	Feb. 28, 1995	10	Mar. 10, 1995	Aug. 29, 1995	Sept. 5, 1995	37	Sept. 15, 1995
Feb. 28, 1995	Mar. 7, 1995	11	Mar. 17, 1995	Sept. 5, 1995	Sept. 12, 1995	38	Sept. 22, 1995
Mar. 7, 1995	Mar. 14, 1995	12	Mar. 24, 1995	Sept. 12, 1995	Sept. 19, 1995	39	Sept. 29, 1995
Mar. 14, 1995	Mar. 21, 1995	13	Mar. 31, 1995	Sept. 19, 1995	Sept. 26, 1995	40	Oct. 6, 1995
Mar. 21, 1995	Mar. 28, 1995	14	Apr. 7, 1995	Sept. 26, 1995	Oct. 3, 1995	41	Oct. 13, 1995
Mar. 28, 1995	Apr. 4, 1995	15	Apr. 14, 1995	Oct. 3, 1995	Oct. 10, 1995	42	Oct. 20, 1995
Apr. 4, 1995	Apr. 11, 1995	16	Apr. 21, 1995	Oct. 10, 1995	Oct. 17, 1995	43	Oct. 27, 1995
Apr. 11, 1995	Apr. 18, 1995	17	Apr. 28, 1995	Oct. 17, 1995	Oct. 24, 1995	44	Nov. 3, 1995
Apr. 18, 1995	Apr. 25, 1995	18	May 5, 1995	Oct. 24, 1995	Oct. 31, 1995	45	Nov. 13, 1995 (Mon.)
Apr. 25, 1995	May 2, 1995	19	May 12, 1995	Oct. 31, 1995	Nov. 7, 1995	46	Nov. 17, 1995
May 2, 1995	May 9, 1995	20	May 19, 1995	Nov. 7, 1995	Nov. 14, 1995	47	Nov. 27, 1995 (Mon.)
May 9, 1995	May 16, 1995	21	May 26, 1995	Nov. 14, 1995	Nov. 21, 1995	48	Dec. 1, 1995
May 16, 1995	May 23, 1995	22	June 2, 1995	Nov. 21, 1995	Nov. 28, 1995	49	Dec. 8, 1995
May 23, 1995	May 30, 1995	23	June 9, 1995	Nov. 28, 1995	Dec. 5, 1995	50	Dec. 15, 1995
May 30, 1995	June 6, 1995	24	June 16, 1995	Dec. 5, 1995	Dec. 12, 1995	51	Dec. 22, 1995
June 6, 1995	June 13, 1995	25	June 23, 1995	Dec. 12, 1995	Dec. 19, 1995	52	Dec. 29, 1995
June 13, 1995	June 20, 1995	26	June 30, 1995	Dec. 19, 1995	Dec. 26, 1995	1	Jan. 5, 1996
June 20, 1995	June 27, 1995	27	July 7, 1995	Dec. 26, 1995	Jan. 2, 1996	2	Jan. 12, 1996

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).



## DEPARTMENT OF CORRECTIONS

## NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: PUBLIC RELATIONS2) Code Citation: 20 Ill. Adm. Code 1033) Section Numbers: Proposed Action:

103.10	Amended
103.15	New
103.30	Amended
103.40	Amended
103.50	Amended
103.60	Amended

4) Statutory Authority: Implementing Section 3-2-2 and authorized by Section 3-7-1 of the Unified Code of Corrections [730 ILCS 5/3-2-2 and 3-7-1].5) A Complete Description of the Subjects and Issues Involved: Section 103.15 has been added and "or his designee" has been deleted throughout the rule to provide for blanket designees. Section 103.30 is being amended to include specific procedures and limitations for media coverage. In addition, grammatical errors have been corrected and gender changes have been made throughout the rule.6) Will this rulemaking replace any emergency rulemaking currently in effect? No7) Does this rulemaking contain an automatic repeal date? No8) Does this rulemaking contain incorporations by reference? No9) Are there any other proposed rulemakings pending on this part? No10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand any State mandate.11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Donald N. Snyder, Jr., Deputy Director  
Illinois Department of Corrections  
1301 Concordia Court  
P.O. Box 19277  
Springfield, IL 62794-9277  
(217) 522-2666, extension 2082

All written comments received within 45 days after the date of this publication will be considered.

## DEPARTMENT OF CORRECTIONS

## NOTICE OF PROPOSED AMENDMENT

12) Initial Regulatory Flexibility Analysis: Not required; this rulemaking does not affect small businesses.A) Types of small businesses, small municipalities and not for profit corporations affected:B) Reporting, bookkeeping or other procedures required for compliance:C) Types of professional skills necessary for compliance:13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The Department had not originally intended to make changes to this rule before the end of this year; this rulemaking is necessary to inform the media of policies regarding media coverage of committed persons.The full text of the Proposed Amendment begins on the next page:

## DEPARTMENT OF CORRECTIONS

## NOTICE OF PROPOSED AMENDMENT

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT  
CHAPTER I: DEPARTMENT OF CORRECTIONS  
SUBCHAPTER a: ADMINISTRATION AND RULES

PART 103  
PUBLIC RELATIONS

## Section

- 103.10 Applicability
- 103.15 Responsibilities
- 103.20 Legislative Communications
- 103.30 Public Information Office
- 103.40 News Media
- 103.50 Speaking Engagements
- 103.60 Tours of Correctional Facilities

AUTHORITY: Implementing Section 3-2-2 and authorized by Section 3-7-1 of the Unified Code of Corrections [730 ILCS 5/3-2-2 and 3-7-1].

SOURCE: Adopted at 8 Ill. Reg. 14568, effective August 1, 1984; amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 103.10 Applicability

This Part applies to all divisions and bureaus of the Department.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 103.15 Responsibilities

- a) Unless otherwise specified, the Director or Chief Administrative Officer may delegate responsibilities stated in this Part to another person or persons or designate another person or persons to perform the duties specified.
- b) No other individual may routinely perform duties whenever a Section in this Part specifically states the Director or Chief Administrative Officer shall personally perform the duties. However, the Director or Chief Administrative Officer may designate another person or persons to perform the duties during periods of his or her temporary absence or in an emergency.

(Source: Added at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 103.30 Public Information Office

The Public Information Office shall be responsible for informing the public,

## DEPARTMENT OF CORRECTIONS

## NOTICE OF PROPOSED AMENDMENT

employees, and news media regarding the Department's policies and programs and facilitating coverage of news events, subject to approval of the Director.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 103.40 News Media

- a) Representatives of the media may be admitted to correctional facilities with approval of the Director or his designee. Access to facilities shall be limited to normal business hours whenever reasonable.
- b) Requests for interviews with correctional employees shall be referred to the Director or his designee.
- c) Face to face media interviews with committed persons under sentence of death shall not be permitted. Other media coverage may be allowed. Media representatives may not photograph or interview a committed person without first obtaining his written consent, written consent of his guardian if the committed person is under age 17, and the approval of the Director or his designee. Media coverage will be permitted only after considering, among other matters, the effect that an interview may have upon the individual or other committed persons, the effect it may have on a pending review by the Prisoner Review Board and the effect upon safety, security, institutional order, or other penological concerns, the security of the facility.

1) Media representatives may not photograph or interview a committed person without first obtaining his or her written consent, the written consent of his or her guardian if the committed person is under age 17, and the approval of the Director.

2) Members of the media may have access to committed persons under the same terms, conditions, and restrictions applicable to members of the general public.

- d) Upon approval of a media request by the Director, the Director's office shall notify the Public Information Officer and the Deputy Director of the appropriate division.

d) Committed persons shall be allowed to correspond with the news media with no greater limitation or restriction than that imposed by the facility upon general correspondence.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 103.50 Speaking Engagements

- a) Department staff are encouraged to accept speaking engagements before civic groups, professional organizations, and educational meetings, insofar as such assignments do not interfere with the administrative responsibilities of the employee. The Director or his designee shall



## DEPARTMENT OF CORRECTIONS

## NOTICE OF PROPOSED AMENDMENT

- be notified prior to any speaking engagement.
- b) No fees or honoraria for personal use may be accepted by the individual making the presentation. If a sponsoring organization wishes to make a contribution, it shall be encouraged to donate to the Resident's Benefit Fund of a particular facility or to another fund, project or purchase that will benefit the committed person population of a facility.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 103.60 Tours of Correctional Facilities

- a) Tours of a correctional facility of the Department shall be subject to approval by the Chief Administrative Officer.
- b) Tours of a maximum security facility shall be restricted to persons 17 years of age or over except upon approval by the Director or his designee.
- c) Ex-offenders, relatives or close friends of committed persons may tour a facility only upon prior written approval of the Chief Administrative Officer.
- d) Visitors must remain with the touring group and the staff member conducting the tour. All visitors shall be required to abide by Department rules and procedures and the instructions of the employee conducting the tour.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Demonstration Programs
- 2) Code Citation: 89 Ill. Adm. Code 170
- 3) Section Number: Proposed Action:  
170.400 New Section
- 4) Statutory Authority: Sections 11-6.2 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/Sections 11-6.2 and 12-13] and Public Act 88-554.
- 5) Complete Description of the Subjects and Issues Involved: These amendments are being proposed to implement provisions of Public Act 88-554 which mandate the Department to implement a demonstration project to determine the cost-effectiveness of preventing multiple case fraud through the use of an electronic fingerprint matching identification system. The law also stipulated that the Department could test a retinal scanning identification system, in lieu of electronic fingerprinting, in one project area. The Department has elected to conduct a three-year demonstration project to test the use of retinal scanning technology to combat fraud and to determine which technology, electronic fingerprinting or retinal scanning, is most cost-effective.

The Illinois Retinal Identification System (IRIS) demonstration project will be conducted over a three-year period in the Granite City and East Alton local offices beginning January 1, 1996. This demonstration project will test the use of retinal scanning technology to combat fraud and ensure that an individual receives public assistance in only one case at a time. It will also facilitate the provisions of equitable and timely benefits to eligible families through implementation of a user friendly and fair system. These proposed amendments establish who must participate in the project, who is exempt, how clients will be notified of the project and the consequences of a client's failure or refusal to participate in the project.

IRIS focuses specifically on the identification of multiple case fraud. Client-related causes of multiple case fraud include the failure to report changes in household composition and residence, name-spelling changes and use of false or multiple documents. False documents include manufactured identity documents and documents belonging to another person, such as someone deceased, incarcerated or someone who has moved out of the State.

A biometric identification system works on the principle that a machine must positively identify a person by capturing, storing and matching physical characteristics unique to the individual. Among the characteristics used for this purpose are fingerprints, finger lengths, voice patterns and retinal patterns. Retinal scanning technology is based on the fact that no two persons have the same pattern of blood vessels in

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

their retinas.

Initial enrollment in the system requires about two minutes. Once a user has been enrolled, the system can be used in either of two modes--verification or recognition. In verification, the system compares the user's retinal pattern with the template stored in memory and verifies the identity of the user. In the recognition mode, the system checks all templates in the database in search of a match. In either mode, a positive identification of an enrolled individual is achieved in about 5 seconds.

Not all matches identified by IRIS will be the result of fraud or attempted fraud. Nonfraud matches would include situations where clients believed that their cases were cancelled and reapplied for assistance when, in fact, their cases were only suspended. Another example would be persons legitimately in two cases (as the recipient in one case and as a nonaided payee in another case).

Confidentiality

As mandated in Public Act 88-554, retinal patterns obtained and stored by IRIS are confidential records to be used solely by the Department in the administration of the AFDC Program. Patterns will not be shared with any other agencies, including the Illinois State Police and the Immigration and Naturalization Service, nor will those or any other agency have access to the IRIS database.

Mandatory Participants

For the Department's IRIS project, all adult AFDC recipients and payees (including second parents and minor parents) and nonaided payees in the household will be scanned. Temporary exemptions to retinal scanning will be permitted for persons with both eyes bandaged. Permanent exemptions will be allowed for persons who are blind. The retinal scanning requirement will not apply to Department staff persons appointed as protective payees.

Retinal Scanning as a Condition of Eligibility

The failure or refusal to cooperate with the retinal scanning requirement by a mandatory participant will result in ineligibility for the AFDC case; that is, denial of the AFDC application or termination of an active case. When the AFDC portion of a combined AFDC/Food Stamp/Medical application is denied due to the failure or refusal to cooperate with the retinal scanning requirement, the Food Stamp and Medical portions will continue to be processed in accordance with existing policy. Active cases for which AFDC benefits have been terminated will be converted to Non-Assistance Food Stamp cases or Non-Assistance Food Stamp/Medical Assistance No Grant

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

cases and sent to appropriate caseworkers.

In the event of a system failure or prolonged downtime, the retinal scanning requirement will be considered as having been met if the applicant or recipient agrees to be scanned. (The applicant or recipient will be required to return and complete the scanning process when the system is again operational.) In no case will issuance of benefits be delayed beyond regulatory time limits.

Client Notification

Material will be provided to all AFDC applicants which will thoroughly and clearly explain the retinal scanning process, the reasons for the process, the absolute confidentiality of information and the fact that cooperation with the retinal scanning process is a condition of eligibility. Active AFDC cases will receive an IRIS appointment letter in the mail. That letter will include a telephone number to call in order to reschedule the appointment, if necessary. Clients who refuse or fail to keep their appointments to be scanned, without good cause, will be issued an adequate and timely notice of denial or discontinuance.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
170.300	Amendment	July 7, 1995 (19 Ill. Reg. 8933)
170.350	New Section	July 21, 1995 (19 Ill. Reg. 10381)
170.360	New Section	August 4, 1995 (19 Ill. Reg. 11316)
170.370	New Section	August 4, 1995 (19 Ill. Reg. 11316)
170.380	New Section	October 6, 1995 (19 Ill. Reg. 13789)

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Judy Umunna  
Bureau of Rules and Regulations



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

Illinois Department of Public Aid  
100 South Grand Ave. E., 3rd Floor  
Springfield, IL 62762  
(217) 524-3215

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: September 1995

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER g: DEMONSTRATION PROGRAMS

## PART 170

## DEMONSTRATION PROGRAMS

SUBPART A: THE FRESH START  
WELFARE REFORM DEMONSTRATION PROGRAM

## Section

170.10 Youth Employment and Training Initiative  
170.20 Paternal Involvement Project  
170.30 Homeless Families Support Project  
170.40 Family Responsibility Project  
170.50 Income Budgeting Project

SUBPART B: THE CAREER ADVANCEMENT PROGRAM

## Section

170.100 The Career Advancement Program  
170.110 Career Advancement Experimental and Control Groups  
170.120 Career Advancement Participation Requirements of Experimental Group Members  
170.130 Career Advancement Supportive Services for Experimental Group Members

SUBPART C: COMMUNITY GROUP PARTICIPATION PROGRAM

## Section

170.200 Community Group Participation Program

SUBPART D: EARNED INCOME INITIATIVE

## Sections

170.250 Work Pays Demonstration

SUBPART E: FAMILY DEVELOPMENT PLAN

170.300

Truancy Prevention Project

SUBPART G: BIOMETRIC IDENTIFICATION DEMONSTRATION

## 170.400

Retinal Scanning

AUTHORITY: Implementing and authorized by Sections 4-8, 11-20, 12-13 and 12-4.28 of the Illinois Public Aid Code [305 ILCS 5/4-8, 11-20, 12-13 and 12-4.28].

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

SOURCE: Adopted at 13 Ill. Reg. 14067, effective August 23, 1989; amended at 14 Ill. Reg. 19320, effective November 30, 1990; amended at 17 Ill. Reg. 19197, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19721, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3372, effective February 28, 1994; emergency amendment at 19 Ill. Reg. 645, effective January 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 7901, effective June 8, 1995; emergency amendment at 19 Ill. Reg. 15256, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART G: BIOMETRIC IDENTIFICATION DEMONSTRATION

## Section 170.400 Retinal Scanning

The Department will operate the Illinois Retinal Identification System (IRIS) as a Statewide demonstration project for three years beginning January 1, 1996. The purpose of this project is to test the use of retinal scanning technology. The Granite City and East Alton local offices in Madison County have been designated as the research site.

a) Selection of Participants Unless exempt, the following persons will be required to participate in IRIS by undergoing a retinal scan:

- 1) all adult applicants for AFDC (Category 04) and AFDC-U (Category 06) cash assistance;
- 2) all adult recipients of AFDC (Category 04) and AFDC-U (Category 06) cash assistance, including:
  - A) second parents, and
  - B) minor grantees for cases in which he or she is considered an adult; and
- 3) all payees for AFDC (Category 04) and AFDC-U (Category 06) assistance units who do not receive cash benefits in the case.

b) Exemption from Participation in Retinal Scanning

- 1) A person with both eyes bandaged will be granted a temporary exemption from participation. To be granted the exemption, the person must provide a statement from a doctor verifying the medical condition. The exemption shall continue until the Department takes further action. When granting the initial exemption, the Department shall establish a date as to when the client's condition is expected to end or improve to the point that he or she can undergo a retinal scan.
- 2) A person who is legally blind will be granted a permanent exemption from participation.

c) Participant Cooperation

- 1) The failure or refusal of a mandatory participant, who is not medically exempt, to cooperate with IRIS requirements will result in ineligibility for the entire AFDC assistance unit.

A) When the cash assistance portion of an application for AFDC, Medical and/or Food Stamps is denied, the local office will

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

continue to process the Medical and Food Stamp portions.  
B) Active cases for which AFDC cash assistance has been terminated will continue to be eligible for Medical and Food Stamps.

- 2) In the event of a system failure or an extended period of downtime, a person who agrees to have a retinal scan shall be considered as having cooperated. The person shall be required to return to the local office and complete the scanning process when the system is operational.

- 3) A mandatory adult who does not cooperate with IRIS requirements and applies for AFDC at another local office shall have the reason for their non-cooperation reviewed by the Department.

- 4) In no instance shall the issuance of benefits be delayed beyond the application processing time limits as specified in 89 Ill. Adm. Code 110.20.

- 5) The Department shall provide material to all AFDC applicants and recipients which will explain the following information:

- A) the retinal scanning process;
- B) the reason for the process;
- C) the confidentiality of the information; and
- D) the fact that cooperation with the retinal scanning process is a condition of eligibility.

d) Intake

The local office will complete a retinal scan when a person applies for assistance. The local office shall be notified if an applicant fails to complete the retinal scanning process.

- 1) The applicant will be given a second opportunity to complete a retinal scan as part of the eligibility interview process. If the applicant fails to appear for the eligibility interview or refuses to be scanned, the Department shall deny the cash assistance portion of their application.

- 2) When a retinal scan produces a match, the local office will receive the information on certain cases. The local office shall discuss the information with the applicant and determine if there is a nonfraudulent reason for the match. The local office shall not authorize any benefits until match information is received, reviewed and the match status resolved.

- 3) The local office shall refer all match information to Department investigators for further review.

- 4) The Department's investigators shall advise the local office to deny the application if their investigation validates the match and finds no satisfactory reason for its occurrence.

e) Active Cases

- 1) The local office shall send a notice to adults in AFDC cases scheduled for a face-to-face redetermination advising them of the retinal scanning requirement. The notice shall also advise the mandatory adult or adults that he or she will be scheduled for a retinal scanning appointment at the completion of his or her



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

redetermination interview.

2) The Department shall centrally generate and mail a retinal scanning appointment letter to clients in AFDC cases not scheduled for a face-to-face redetermination. All mandatory participants in the same case will be scheduled for a retinal scanning on the same day. The appointment letter shall explain that retinal scanning is a requirement for continued AFDC cash eligibility and specify the following information concerning the appointment:

- A) the date;
- B) the time; and
- C) the location.

3) The appointment letter shall instruct the client to contact the local office if he or she is unable to keep his or her appointment. The letter shall also provide a telephone number for this purpose.

4) When a retinal scan produces a match, the local office will receive the information on certain cases. The local office shall refer the match information on these cases to the Department's investigators for further review.

5) The Department's investigators shall advise the local office to take appropriate action to cancel AFDC cash assistance if the follow-up investigation validates the match and finds no satisfactory reason for its occurrence. The Department shall give the assistance unit appropriate notice that its cash assistance is being canceled. Once the appropriate notice has been given, the local office shall cancel the cash assistance portion of the AFDC case.

6) The local office shall make every effort to accommodate clients when they must reschedule their retinal scanning appointments. When a mandatory client fails to appear for his or her scheduled appointment and does not call to reschedule, the local office shall send a notice of negative action to the client for failure to comply with retinal scanning requirements.

7) The notice shall advise clients that they must comply with the retinal scanning requirement and reschedule the appointment in order to prevent cancellation of their cases. Clients who fail to respond to the notice will have their AFDC cash assistance canceled.

8) Whenever a new adult is added to an active case or there is a change in the payee, the local office shall inform the new individual of the IRIS requirements and schedule a retinal scanning appointment.

9) If a mandatory adult who is included in or is the payee for an active AFDC Medicaid case requests AFDC cash assistance, the local office shall inform the individual of the IRIS requirements and schedule a retinal scanning appointment. If the person fails to comply with IRIS requirements, the local office shall not

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

approve the request for cash assistance.

(Source: Added at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Medical Payments

2) Code Citation: 89 Ill. Adm. Code 140

3) Section Numbers: Proposed Action:

140.475 Amendment  
140.478 Amendment  
140.481 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Complete Description of the Subjects and Issues Involved: These proposed amendments provide for coverage for augmentative communication devices in the Medical Assistance Program. Augmentative communication devices supplement, or are alternatives to, vocal communication. Such devices are available in a continuum ranging from very simple, such as picture books and picture boards, to highly complex computerized systems. Coverage will extend to necessary peripherals, such as special input and output devices and mounting and positioning equipment. Augmentative communication devices will be covered by the Department as durable medical equipment and supplies for medical assistance recipients in the community and in institutional settings such as nursing homes and ICF/MR facilities for persons with developmental disabilities. The determination of medical necessity for a communication device will be based upon the recipient's ability to communicate with a physician or other principal caregiver.

The Department is providing coverage for augmentative communication devices to meet the medical and communication needs of recipients who have significant speech-language disabilities. The text of the proposed amendments is the result of a cooperative effort by the Department, the Department of Mental Health and Developmental Disabilities, the Department of Rehabilitation Services and the Division of Specialized Services for Children, as well as speech-language pathologists. The policies and procedures pertaining to this new coverage have been agreed upon by the State agencies involved and the provider community.

The Department's anticipated budgetary impact is based on information regarding client need and interest from the provider community, especially speech and language pathologists. The Department can expect to approve approximately 300 prior approval requests per year for communication devices. Although costs will vary widely depending upon the actual device needed, the average cost will be about \$3,000. Therefore, the increase in Department expenditures due to these proposed amendments is expected to be approximately \$900,000 per year.

6) Will these proposed amendments replace emergency amendments currently in

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
140.2	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.7	Amendment	August 25, 1995 (19 Ill. Reg. 12210)
140.9	Amendment	August 25, 1995 (19 Ill. Reg. 12210)
140.16	Amendment	September 15, 1995 (19 Ill. Reg. 12937)
140.40	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.80	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.82	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.84	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.413	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.440	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.443	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.444	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.445	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.446	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.447	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.460	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.461	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.462	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.463	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.464	Repeal	October 20, 1995 (19 Ill. Reg. 14530)
140.485	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.920	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.922	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.924	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.926	Repeal	October 20, 1995 (19 Ill. Reg. 14530)
140.928	Repeal	October 20, 1995 (19 Ill. Reg. 14530)
140.930	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.932	Repeal	October 20, 1995 (19 Ill. Reg. 14530)
Table M	Amendment	October 20, 1995 (19 Ill. Reg. 14530)

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this Proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

Joanne Jones  
Bureau of Rules and Regulations  
Illinois Department of Public Aid  
100 South Grand Ave. E., 3rd Floor  
Springfield, IL 62762  
(217) 524-3215

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

Any interested persons may review these amendments at the Department of Public Aid's local offices located in each county (except Cook County). In Cook County, the amendments may be reviewed at the Office of the Director, Illinois Department of Public Aid, 310 South Michigan Avenue, Suite 1700, Chicago, Illinois. The amendments may be reviewed at all offices Monday through Friday from 8:30 A.M. until 5:00 P.M. These copies of the amendments are being made available for review in accordance with federal requirements at 42 CFR 447.205.

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80 and 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

## 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Providers of medical equipment, supplies, prosthetic devices and orthotic devices.

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking was inadvertently omitted when the most recent regulatory agenda was published.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF PUBLIC AID

SUBCHAPTER d: MEDICAL PROGRAMS

PART 140

MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section	
140.1	Incorporation By Reference
140.2	Medical Assistance Programs
140.3	Covered Services Under Medical Assistance Programs
140.4	Covered Medical Services Under AFDC-WANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.5	Covered Medical Services Under General Assistance
140.6	Medical Services Not Covered
140.7	Medical Assistance Provided to Individuals Under the Age of Eighteen
140.8	Who Do Not Qualify for AFDC and Children Under Age Eight
140.9	Medical Assistance For Qualified Severely Impaired Individuals
140.10	Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-WANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.11	Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section	
140.11	Enrollment Conditions for Medical Providers
140.12	Participation Requirements for Medical Providers
140.13	Definitions
140.14	Denial of Application to Participate in the Medical Assistance Program
140.15	Recovery of Money
140.16	Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17	Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.18	Effect of Termination on Individuals Associated with Vendor
140.19	Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
140.20	Submittal of Claims
140.21	Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)
140.22	Magnetic Tape Billings
140.23	Payment of Claims
140.24	Payment Procedures
140.25	Overpayment or Underpayment of Claims
140.26	Payment to Factors Prohibited

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

140.27	Assignment of Vendor Payments
140.28	Record Requirements for Medical Providers
140.30	Audits
140.31	Emergency Services Audits
140.32	Prohibition on Participation, and Special Permission for Participation
140.33	Publication of List of Terminated, Suspended or Banned Entities
140.35	False Reporting and Other Fraudulent Activities
140.40	Prior Approval for Medical Services or Items
140.41	Prior Approval in Cases of Emergency
140.42	Limitation on Prior Approval
140.43	Post Approval for Items or Services When Prior Approval Cannot Be Obtained
140.71	Reimbursement for Medical Services Through the Use of a C-13 Invoice
140.72	Voucher Advance Payment and Expedited Payments
140.73	Drug Manual (Recodified)
140.74	Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

Section	
140.80	Hospital Provider Fund
140.82	Developmentally Disabled Care Provider Fund
140.84	Long Term Care Provider Fund
140.94	Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
140.95	Hospital Services Trust Fund
140.96	General Requirements (Recodified)
140.97	Special Requirements (Recodified)
140.98	Covered Hospital Services (Recodified)
140.99	Hospital Services Not Covered (Recodified)
140.100	Limitation On Hospital Services (Recodified)
140.101	Transplants (Recodified)
140.102	Heart Transplants (Recodified)
140.103	Liver Transplants (Recodified)
140.104	Bone Marrow Transplants (Recodified)
140.110	Disproportionate Share Hospital Adjustments (Recodified)
140.116	Payment for Inpatient Services for GA (Recodified)
140.117	Hospital Outpatient and Clinic Services (Recodified)
140.200	Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.201	Payment for Hospital Services After June 30, 1982 (Repealed)
140.202	Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.203	Limits on Length of Stay by Diagnosis (Recodified)
140.300	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.350	Copayments (Recodified)
140.360	Payment Methodology (Recodified)
140.361	Non-Participating Hospitals (Recodified)



DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

140.362 Pre July 1, 1989 Services (Recodified)  
 140.363 Post June 30, 1989 Services (Recodified)  
 140.364 Prepayment Review (Recodified)  
 140.365 Base Year Costs (Recodified)  
 140.366 Restructuring Adjustment (Recodified)  
 140.367 Inflation Adjustment (Recodified)  
 140.368 Volume Adjustment (Repealed)  
 140.369 Groupings (Recodified)  
 140.370 Rate Calculation (Recodified)  
 140.371 Payment (Recodified)  
 140.372 Review Procedure (Recodified)  
 140.373 Utilization (Repealed)  
 140.374 Alternatives (Recodified)  
 140.375 Exemptions (Recodified)  
 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)  
 140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)  
 140.391 Definitions (Recodified)  
 140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)  
 140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)  
 140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)  
 140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section  
 140.400 Payment to Practitioners, Nurses and Laboratories  
 140.410 Physicians' Services  
 140.411 Covered Services By Physicians  
 140.412 Services Not Covered By Physicians  
 140.413 Limitation on Physician Services  
 140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians  
 140.416 Optometric Services and Materials  
 140.417 Limitations on Optometric Services  
 140.418 Department of Corrections Laboratory  
 140.420 Dental Services  
 140.421 Limitations on Dental Services  
 140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items - Dentists  
 140.425 Podiatry Services  
 140.426 Limitations on Podiatry Services  
 140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry  
 140.428 Chiropractic Services  
 140.429 Limitations on Chiropractic Services (Repealed)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

140.430 Independent Laboratory Services  
 140.431 Services Not Covered by Independent Laboratory  
 140.432 Limitations on Independent Laboratory Services  
 140.433 Payment for Laboratory Services  
 140.434 Record Requirements for Independent Laboratories  
 140.435 Nurse Services  
 140.436 Limitations on Nurse Services  
 140.440 Pharmacy Services  
 140.441 Pharmacy Services Not Covered  
 140.442 Prior Approval of Prescriptions  
 140.443 Filling of Prescriptions  
 140.444 Compounded Prescriptions  
 140.445 Prescription Items (Not Compounded)  
 140.446 Over-the-Counter Items  
 140.447 Reimbursement  
 140.448 Returned Pharmacy Items  
 140.449 Payment of Pharmacy Items  
 140.450 Record Requirements for Pharmacies  
 140.452 Mental Health Clinic Services  
 140.453 Definitions  
 140.454 Types of Mental Health Clinic Services  
 140.455 Payment for Mental Health Clinic Services  
 140.456 Hearings  
 140.457 Therapy Services  
 140.458 Prior Approval for Therapy Services  
 140.459 Payment for Therapy Services  
 140.460 Clinic Services  
 140.461 Clinic Participation, Data and Certification Requirements  
 140.462 Covered Services in Clinics  
 140.463 Clinic Service Payment  
 140.464 Healthy Moms/Healthy Kids Managed Care Clinics  
 140.465 Speech and Hearing Clinics (Repealed)  
 140.466 Rural Health Clinics  
 140.467 Independent Clinics  
 140.469 Hospice  
 140.470 Home Health Services  
 140.471 Home Health Covered Services  
 140.472 Types of Home Health Services  
 140.473 Prior Approval for Home Health Services  
 140.474 Payment for Home Health Services  
 140.475 Medical Equipment, Supplies and Prosthetic Devices  
 140.476 Medical Equipment, Supplies and Prosthetic Devices for Which Payment Will Not Be Made  
 140.477 Limitations on Equipment, Supplies and Prosthetic Devices  
 140.478 Prior Approval for Medical Equipment, Supplies and Prosthetic Devices  
 140.479 Limitations, Medical Supplies  
 140.480 Equipment Rental Limitations  
 140.481 Payment for Medical Equipment, Supplies and Prosthetic Devices

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

140.482	Family Planning Services	Laboratory
140.483	Limitations on Family Planning Services	
140.484	Payment for Family Planning Services	
140.485	Healthy Kids Program	
140.486	Limitations on Medichesk Services (Repealed)	
140.487	Healthy Kids Program Timeliness Standards	
140.488	Periodicity Schedule, Immunizations and Diagnostic Procedures	
140.490	Medical Transportation	
140.491	Limitations on Medical Transportation	
140.492	Payment for Medical Transportation	
140.495	Psychological Services	
140.496	Payment for Psychological Services	
140.497	Hearing Aids	
SUBPART E: GROUP CARE		
Section	Group Care Services	
140.500	Cessation of Payment at Federal Direction	
140.502	Cessation of Payment for Improper Level of Care	
140.503	Cessation of Payment Because of Termination of Facility	
140.504	Continuation of Payment Because of Threat To Life	
140.505	Provider Voluntary Withdrawal	
140.506	Continuation of Provider Agreement	
140.507	Determination of Need for Group Care	
140.510	Long Term Care Services Covered by Department Payment	
140.511	Utilization Control	
140.512	Utilization Review Plan (Repealed)	
140.513	Certifications and Recertifications of Care	
140.514	Management of Recipient Funds--Personal Allowance Funds	
140.515	Recipient Management of Funds	
140.516	Correspondent Management of Funds	
140.517	Facility Management of Funds	
140.518	Use or Accumulation of Funds	
140.519	Management of Recipient Funds--Local Office Responsibility	
140.520	Room and Board Accounts	
140.521	Reconciliation of Recipient Funds	
140.522	Bed Reserves	
140.523	Cessation of Payment Due to Loss of License	
140.524	Quality Incentive Program (QUIP) Payment Levels	
140.525	Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP) (Repealed)	
140.526	Quality Incentive Survey (Repealed)	
140.527	Payment of Quality Incentive (Repealed)	
140.528	Reviews (Repealed)	
140.529	Basis of Payment for Long Term Care Services	
140.530	General Service Costs	
140.531		

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

140.532	Health Care Costs	
140.533	General Administration Costs	
140.534	Ownership Costs	
140.535	Costs for Interest, Taxes and Rent	
140.536	Organization and Pre-Operating Costs	
140.537	Payments to Related Organizations	
140.538	Special Costs	
140.539	Nurse's Aide Training and Testing	
140.540	Costs Associated With Nursing Home Care Reform Act and Implementing Regulations	
140.541	Salaries Paid to Owners or Related Parties	
140.542	Cost Reports-Filing Requirements	
140.543	Time Standards for Filing Cost Reports	
140.544	Access to Cost Reports (Repealed)	
140.545	Penalty for Failure to File Cost Reports	
140.550	Update of Operating Costs	
140.551	General Service Costs	
140.552	Nursing and Program Costs	
140.553	General Administrative Costs	
140.554	Component Inflation Index	
140.555	Minimum Wage	
140.560	Components of the Base Rate Determination	
140.561	Support Costs Components	
140.562	Nursing Costs	
140.563	Capital Costs	
140.565	Kosher Kitchen Reimbursement	
140.566	Out-of-State Placement	
140.567	Level II Incentive Payments (Repealed)	
140.568	Duration of Incentive Payments (Repealed)	
140.569	Clients With Exceptional Care Needs	
140.570	Capital Rate Component Determination	
140.571	Capital Rate Calculation	
140.572	Total Capital Rate	
140.573	Other Capital Provisions	
140.574	Capital Rates for Rented Facilities	
140.575	Newly Constructed Facilities (Repealed)	
140.576	Renovations (Repealed)	
140.577	Capital Costs for Rented Facilities (Renumbered)	
140.578	Property Taxes	
140.579	Specialized Living Centers	
140.580	Mandated Capital Improvements (Repealed)	
140.581	Qualifying as Mandated Capital Improvement (Repealed)	
140.582	Cost Adjustments	
140.583	Campus Facilities	
140.584	Illinois Municipal Retirement Fund (IMRF)	
140.590	Audit and Record Requirements	
140.642	Screening Assessment for Long Term Care and Alternative Residential Settings and Services	



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

140.643 In-Home Care Program  
 140.645 Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21  
 140.646 Reimbursement for Developmental Training (DT) Services for Individuals with Developmental Disabilities Who Reside in Long Term Care (ICF AND SNF) and Residential (ICF/MR) Facilities  
 140.647 Description of Developmental Training (DT) Services  
 140.648 Determination of the Amount of Reimbursement for Developmental Training (DT) Programs  
 140.649 Effective Dates of Reimbursement for Developmental Training (DT) Programs  
 140.650 Certification of Developmental Training (DT) Programs  
 140.651 Decertification of Day Programs  
 140.652 Terms of Assurances and Contracts  
 140.680 Effective Date Of Payment Rate  
 140.700 Discharge of Long Term Care Residents  
 140.830 Appeals of Rate Determinations  
 140.835 Determination of Cap on Payments for Long Term Care (Repealed)

## SUBPART F: MEDICAID PARTNERSHIP PROGRAM

Section  
 140.850 General Description (Repealed)  
 140.855 Definition of Terms (Repealed)  
 140.860 Covered Services (Repealed)  
 140.865 Sponsor Qualifications (Repealed)  
 140.870 Sponsor Responsibilities (Repealed)  
 140.875 Department Responsibilities (Repealed)  
 140.880 Provider Qualifications (Repealed)  
 140.885 Provider Responsibilities (Repealed)  
 140.890 Payment Methodology (Repealed)  
 140.895 Contract Monitoring (Repealed)  
 140.896 Reimbursement For Program Costs (Active Treatment) For Clients In Long Term Care Facilities For the Developmentally Disabled (Repealed)

## SUBPART G: HEALTHY MOMS/HEALTHY KIDS PROGRAM

Section  
 140.900 Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Repealed)  
 140.901 Functional Areas of Needs (Repealed)  
 140.902 Service Needs (Repealed)  
 140.903 Definitions (Repealed)  
 140.904 Times and Staff Levels (Repealed)  
 140.905 Statewide Rates (Repealed)  
 140.906 Reconsiderations (Repealed)  
 140.907 Midnight Census Report (Repealed)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

140.908 Times and Staff Levels (Recodified)  
 140.909 Statewide Rates (Recodified)  
 140.910 Referrals (Recodified)  
 140.911 Basic Rehabilitation Aide Training Program (Recodified)  
 140.912 Interim Nursing Rates (Recodified)  
 140.920 General Description  
 140.922 Covered Services  
 140.924 Provider Participation Requirements  
 140.926 Client Eligibility  
 140.928 Client Enrollment and Program Components  
 140.930 Reimbursement  
 140.932 Payment Authorization for Referrals

## SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

Section  
 140.940 Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)  
 140.942 Definition of Terms (Recodified)  
 140.944 Notification of Negotiations (Recodified)  
 140.946 Hospital Participation in ICARE Program Negotiations (Recodified)  
 140.948 Negotiation Procedures (Recodified)  
 140.950 Factors Considered in Awarding ICARE Contracts (Recodified)  
 140.952 Closing an ICARE Area (Recodified)  
 140.954 Administrative Review (Recodified)  
 140.956 Payments to Contracting Hospitals (Recodified)  
 140.958 Admitting and Clinical Privileges (Recodified)  
 140.960 Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)  
 140.962 Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)  
 140.964 Contract Monitoring (Recodified)  
 140.966 Transfer of Recipients (Recodified)  
 140.968 Validity of Contracts (Recodified)  
 140.970 Termination of ICARE Contracts (Recodified)  
 140.972 Hospital Services Procurement Advisory Board (Recodified)

## TABLE A: Medichex Recommended Screening Procedures (Repealed)

TABLE B Health Service Areas  
 TABLE C Capital Cost Areas  
 TABLE D Schedule of Dental Procedures  
 TABLE E Time Limits for Processing of Prior Approval Requests  
 TABLE F Podiatry Service Schedule  
 TABLE G Travel Distance Standards  
 TABLE H Areas of Major Life Activity  
 TABLE I Staff Time and Allocation for Training Programs (Recodified)  
 TABLE J HSA Grouping (Repealed)





## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; maximum of 150 days; amended at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. \_\_\_\_\_, effective November 6, 1995; amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

## Section 140.475 Medical Equipment, Supplies and Prosthetic Devices

- a) Payment for the provision of medical equipment, supplies and prosthetic devices shall be made to participating providers.
- b) Payment for medical equipment, supplies and prosthetic devices shall be made when:
  - 1) they are essential to enable a client to remain at home or to function in the community; and
  - 2) the client's physician has recommended in writing to the Department or in a patient care plan that the supplies or equipment be provided and that they are medically necessary; and
  - 3) the Department has approved payment based on consideration of
    - A) the client's medical condition,
    - B) the benefits the item is expected to effect, and
    - C) the client's ability to adjust to and to use the item recommended, and
  - D) whether a communication device will increase the client's potential for full participation in health care by assisting in cause and effect awareness, training physical movements and improving the client's understanding and comprehension of his or her health needs and responsibilities; and
- 4) the client is dually eligible for services from the Department of Public Aid and the Department of Rehabilitation Services and/or the Division of Specialized Services for ~~crippled~~ Children and meets the provisions outlined in subsections (b)(1), (2) and (3) above; or

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

- 5) The Individual Program Plan (IPP) of an individual with developmental disabilities residing in an ICF/MR or a long term care ~~an~~ <sup>an-59e</sup> facility identifies the equipment, supplies and prosthetic devices which are necessary for his or her participation in active treatment as described in 42 CFR 483.440, Condition of Participation: Active Treatment Service.
- c) Payment shall be made for the repair of prosthetic devices and medical equipment owned by recipients if the item is out of warranty, the item is not a rental or loaned item, and the sum of the individual repair parts and the labor does not exceed 75 percent of the cost of a new unit. Labor charges are to be included in the repair price. A guarantee of at least 180 days must be provided. Charges shall not include tax, delivery, rebate, packaging or freight ~~age and condition of the device or equipment is such that the cost of repair is less than 75% of the cost of replacement.~~
- d) Payment shall be made for loaner items issued pending repair or replacement of prosthetic devices and medical equipment owned by recipients if it is the usual practice of the supplier to provide and charge for such items.
- e) Covered services are:
  - 1) Non-durable medical supplies for an individual's life maintenance care and treatment;
  - 2) Durable medical supplies essential to expedite a hospital discharge and to enable the person to be cared for at home;
  - 3) Prostheses and orthoses, including communication devices, which are essential to enhance functional mobility, medically necessary communication, or are essential for employment; and
  - 4) Respiratory equipment and supplies necessary as a life saving measure or for prevention of a medical emergency, institutionalization, or to facilitate deinstitutionalization.
- f) Payment shall be made for covered services on a prior approval basis, except for repair or replacement of medical equipment and prosthetic and orthotic devices, as provided under Section 140.477.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 140.478 Prior Approval for Medical Equipment, Supplies and Prosthetic Devices

- a) The following time frames shall be adhered to by the Department when prior approval is required for medical equipment and orthotic/prosthetic devices (see also Section 140.40):
  - 1) Decisions to approve or deny a request for prior approval of respiratory aid and equipment will be made within 30 days after the date of receipt of the request by the Department. Prior approval is not required for the first 30 days of service.
  - 2) Decisions to approve or deny requests for artificial limbs and



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

braces shall be made within 21 days after ~~of~~ the date of receipt of the request by the Department.

- 3) Decisions to approve or deny requests for standard wheelchairs and hospital beds shall be made within 21 days after ~~of~~ the date of receipt of the request by the Department.
- 4) Decisions to approve or deny requests for hearing aids, communication devices, custom molded shoes, shoe corrections, orthopedic shoes used in conjunction with a brace, and custom wheelchairs, shall be made within 30 days after the date of receipt of the request by the Department.
- 5) Decisions to approve or deny requests for medical supplies costing less than \$100 shall be made within 21 days after ~~of~~ the date of receipt of the requests by the Department.
- 6) Decisions to approve or deny requests for medical supplies costing more than \$100 shall be made within 30 days after ~~of~~ the date of receipt of the request by the Department.
- b) Post approval may be requested. Post approval will be granted in circumstances when prior approval could not be requested, such as:
  - 1) determination of the patient's eligibility for public assistance was delayed;
  - 2) emergency approval could not be obtained;
  - 3) other third party resources denied payment.

~~and the requirements for prior approval are met.~~

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 140.481 Payment for Medical Equipment, Supplies and Prosthetic Devices

- a) Payment for Medical Equipment. Medical equipment is durable, reusable equipment such as wheelchairs, hospital beds, canes, walkers, etc. Payment for medical equipment is made for covered items or services at the lesser of the provider's charge or the acquisition cost. The initial acquisition cost for each item of medical equipment is the median suggested retail price from the prices taken from the manufacturers' most recent price catalogues for widely accepted quality items. Widely accepted quality items are items which are not below average quality for like medical equipment and which are available statewide. After the initial acquisition cost for each item of medical equipment is determined, as specified above, the Department shall review the most current catalogues from which the initial price was taken, and update the acquisition costs at least annually.
- b) Medical supplies are medical items which are not durable or reusable such as surgical dressing, disposable syringes, catheters, urinary bags, etc.
  - 1) Payment is made for covered items at the lesser of the provider's charge, or the acquisition cost. The acquisition cost is the suggested retail price (as determined below) whenever available,

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

or manufacturer's price plus 50 percent ~~50%~~ as derived from the most widely distributed catalogue available.

- 2) The suggested retail price is determined as follows:
  - A) the median suggested retail price for each medical supply item is derived from all available medical supply catalogues; and
  - B) the catalogue that contains 60 percent ~~60%~~ or more of the median prices is chosen to determine the suggested retail price of all medical supply items.
- 3) Acquisition costs will be reviewed and updated for price changes at least annually.
- c) Payment for Prosthetic and Orthotic Devices. Prosthetic and orthotic devices include corrective or supportive devices prescribed to artificially replace a missing portion of the body or to prevent or correct physical deformity or malfunction, or to support a weak or deformed portion of the body ~~are artificial limbs and braces~~. Payment is made for covered items or services at the lesser of the provider's charge or the acquisition cost. The acquisition cost is determined by taking the average of the prices for each prosthetic device from all available prosthetic device catalogues after deleting the high and low prices. Acquisition costs will be reviewed and updated for price changes at least annually.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Total Life Planning Program2) Code Citation: 89 Ill. Adm. Code 8953) Section Numbers: Proposed Action:

895.10	Repealed
895.20	Repealed
895.30	Repealed
895.40	Repealed
895.50	Repealed
895.60	Repealed
895.70	Repealed

4) Statutory Authority: Implementing and authorized by Section 3(b) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(b)].5) A Complete Description of the Subjects and Issues Involved: As a separate program, the Total Life Planning Program (TLP) is being eliminated. As a result of a review of TLP by DORS' Administration, it has been determined that individuals being served through TLP can more effectively and efficiently be served through the regular Vocational Rehabilitation (VR) Program. The statewide TLP staff will act in advisory capacities to assist VR staff in providing and obtaining necessary services for customers who would have previously been served through TLP.6) Will this rulemaking replace any emergency rulemaking currently in effect? No7) Does this rulemaking contain an automatic repeal date? No8) Does this rulemaking contain incorporations by reference? No9) Are there any other proposed rulemakings pending on this Part? No10) Statement of Statewide Policy Objectives: This is not applicable to this Rulemaking.11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Warner, Manager  
Regulations and Procedures Division  
Department of Rehabilitation Services  
P.O. Box 19429  
Springfield, IL 62794-9429

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED REPEALER

(217) 785-3896 or TTY: (217) 785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.A) Types of small businesses, small municipalities and not for profit corporations affected: N/AB) Reporting, bookkeeping or other procedures required for compliance: N/AC) Types of professional skills necessary for compliance: N/A13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking was not included in the January or July Regulatory Agenda as it was not anticipated that the program would be eliminated. Services to the individuals will be provided through the regular VR program after elimination of the program.The full text of the Proposed Repealer begins on the next page:



## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED REPEALER

TITLE 89: SOCIAL SERVICES  
 CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES  
 SUBCHAPTER h: MISCELLANEOUS PROGRAMS

PART 895  
 TOTAL LIFE PLANNING PROGRAM  
 (REPEALED)

Section 895.10	Definitions
895.20	General Provisions
895.30	Application
895.40	Eligibility
895.50	Service Program
895.60	Annual Review
895.70	Closure

AUTHORITY: Implementing and authorized by Section 3(b) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(b)] relation to rehabilitation of disabled persons"

SOURCE: Adopted at 13 Ill. Reg. 15793, effective September 25, 1989; repealed at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 895.10 Definitions

"Client" means an individual, or the parent of a minor or legal guardian of an individual who has been referred to, applied for, or is receiving TLP services.

"TLP" means total life planning (TLP) and consists of evaluating a client's abilities and needs, developing the client's goals and a plan for meeting those goals, and referring the client to the appropriate agencies for the services identified in his/her plan.

## Section 895.20 General Provisions

## a) Purpose

The purpose of the TLP program is to further the community integration, productivity, and independence of people who are deaf-blind. The TLP program provides deaf-blind clients with assistance (e.g. case management services, communication training, information referral) in achieving the goal of maximum functioning in life management activities by evaluating clients' needs and assisting the clients in obtaining the resources necessary to meet those needs.

## b) Client Responsibilities

Clients are expected to cooperate with the TLP staff in:

- 1) providing assistance in determining eligibility,

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED REPEALER

- 2) meeting the responsibilities specified in the clients' TLP Service Programs,
- 3) keeping appointments,
- 4) carrying out medical and other professional instructions, and
- 5) providing assistance in completing annual TLP reviews.

## c) Client Rights

Clients have the right to:

- 1) terminate TLP services at any time,
- 2) apply for TLP services at any time,
- 3) discuss any problem or complaint about their TLP Programs at any time, and
- 4) appeal, as set forth in 89 Ill. Adm. Code 510 (Appeals and Hearings), any decision concerning eligibility, service provision, or closure.

## d) Confidentiality

TLP clients' records are confidential and subject to the rules contained in 89 Ill. Adm. Code 505 (Confidentiality of Information).

## e) Documentation of Guardianship

TLP staff will request a copy of proof of legal guardianship of a client. The copy will be kept in the client's case file.

## f) Non-Discrimination Compliance

In compliance with the Illinois Human Rights Act (Ill. Rev. Stat. 1987, ch. 68, pars. 1-101 et seq.), the Illinois Constitution of 1970, the U.S. Civil Rights Act of 1964 (42 U.S.C. 2000d et seq. 1987), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance, (34 CFR 104), and the U.S. Constitution, the TLP Program will not discriminate in admission or access to, or treatment or employment in, TLP programs of services.

## Section 895.30 Application

The TLP Program requires that an application for services be signed by the client before a determination of eligibility for TLP services begins.

## Section 895.40 Eligibility

To be eligible for TLP services, a client must have documented visual and hearing impairments which result in the client's need for assistance in two or more of the following:

- a) education,
- b) mobility,
- c) communication,
- d) self-care,
- e) social and vocational planning, and
- f) recreation (leisure activity).

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED REPEALER

## Section 895.50 Service Program

a) The TLP Specialist shall determine the client's needs through an assessment of the following:

- 1) medical condition and treatment (e.g., degree of visual impairment and hearing loss, orthopedic impairments, diabetes or kidney disorder),
- 2) communication skills (e.g., client lacks fluency in major mode of communication such as braille or sign language, or client has no form of communication),
- 3) socialization skills (e.g., client has inability to relate with others),
- 4) behavior skills (e.g., client has behavior disorders or lacks self-control),
- 5) academic skills (e.g., client lacks reading or writing skills),
- 6) vocational skills (e.g., client is not punctual or is unable to follow an employer's instructions),
- 7) mobility skills (e.g., client is unable to travel independently in the home or client is unable to travel independently outside the home),
- 8) daily living skills (e.g., client is unable to independently perform housekeeping chores, prepare foods, perform personal hygiene tasks),
- 9) leisure/recreational skills (e.g., client is unable to independently choose recreational activities or client lacks access to recreational activities), and
- 10) inability to obtain and utilize services from other public and private agencies (due to lack of communication skills, lack of transportation or inaccessibility of agencies or services).

b) Based upon the client's needs assessment described in subsection (a), the TLP staff and client will develop a TLP Service Program. The Program shall:

- 1) outline the objectives, developed to address the areas of need determined by the results of the needs assessment to make the client more independent,
  - 2) contain activities of the client, (e.g., attend Helen Keller National Center for Communication Training, purchase communication equipment, or be counseled) and the TLP specialist (e.g., refer client for housing, train employers in communication skills, arrange for transportation, provide technical assistance to counselors in vocational rehabilitation cases, or refer client for orientation and mobility training) which are necessary to meet those objectives,
  - 3) identify the person or agency responsible for providing the activity, and
  - 4) establish time frames for completion of each activity.
- c) Each Program shall include client comments and must be signed by the client.

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED REPEALER

## Section 895.60 Annual Review

a) An annual review of the client's TLP Service Program will be conducted by the TLP Specialist and the client to determine:

- 1) which activities have been completed,
  - 2) which objectives have been met, and
  - 3) whether any new activities or objectives need to be added.
- b) The annual review must be signed by the client.

## Section 895.70 Closure

TLP cases will be closed when:

- a) the client dies,
- b) the client requests in writing that the case be closed, or
- c) the client moves out of state.



## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED RULE

1) Heading of the Part: Bidder Responsibility2) Code Citation: 44 Ill. Adm. Code 9503) Section Numbers: Adopted Action:

950.110	New Section
950.120	New Section
950.130	New Section
950.140	New Section
950.150	New Section
950.160	New Section
950.170	New Section
950.180	New Section
950.200	New Section
950.210	New Section
950.300	New Section
950.310	New Section
950.320	New Section
950.330	New Section
950.340	New Section
950.350	New Section
950.360	New Section
950.370	New Section
950.380	New Section
950.390	New Section
950.400	New Section
950.410	New Section
950.420	New Section
950.430	New Section
950.440	New Section
950.450	New Section

4) Statutory Authority: Implementing and authorized by Section 9.06 of the Capital Development Board Act [20 ILCS 3105/9.06] and authorized by Sections 5 and 6 of the Illinois Purchasing Act [30 ILCS 505/5 and 505/6a-3d].5) Effective date of Rule: November 2, 19956) Does this rulemaking contain an automatic repeal date? No7) Does this rule contain incorporations by reference? No8) Date filed in Agency's Principal Office: November 2, 19959) Notice of Proposal Published in Illinois Register: February 24, 1995; 19 Ill. Reg. 2074

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED RULE

10) Has JCAR issued a Statement of Objections to this rule? No11) Difference(s) between proposal and final version:

- a. Changed headings of Part 950 and Subpart A to "Bidder Responsibility."
- b. Revised Subpart B heading to read "Suspension, Debarment, Modification of Ability to Bid, and Conditional Responsibility Determination."
- c. Added new Section: 950.150 Confidentiality and renumbered the following sections.
- d. Section 950.110 last sentence has been revised to read "Only responsible contractors shall be permitted to bid on CDB projects."
- e. Section 950.130 "Contract Requirements" definition has been revised, added new definitions of "Contractor" or "Bidder," "New Bidder" and "Responsibility" and deleted the definition of "Prequalification."
- f. Section 950.130 under the definition of "Responsible Contractor" added the label "Has a current DHR number or application pending."
- g. Section 950.130 definition of "Responsible Bidder" has been revised.
- h. Section 950.160a) added subsection 1) 2) A, B, and 3).
- i. Section 950.170 revised heading to read "Processing of Contractor Bidder Responsibility and Renewal Application." Added subsection a) and renumbered following subsections. Subsection c) next to last sentence was revised to read "Such applications may require up to 45 days for processing depending upon disclosure of changes of information from the last application."
- j. Section 950.200 changed heading from "Actions on Prequalification Status" to "Actions Affecting Responsibility." and revised section.
- k. Section 950.210 revised heading to read "Causes for Suspension, Modification of Ability to Bid, or Conditional Responsibility Determination." and revised the language.
- l. Section 950.350 revised heading to read "Reapplication for Responsibility Determination."
- m. Section 950.440 changed heading from "Hearing" to "Final Consideration" and replaced the language.
- n. Added new Section: 950.450 Burden of Proof.
- o. Throughout this Part the word "prequalification" has been deleted or replaced with "responsibility" or "responsibility determination", to re-emphasize the flowing, continuous nature of the process, as opposed to an annual determination.

In addition various technical, editorial, and grammatical changes have been made in response to recommendations of the Joint Committee on Administrative Rules and the Administrative Code Division.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? All changes agreed upon by the Department and the Joint Committee have been made.

13) Will this rule replace an emergency rule currently in effect? No

CAPITAL DEVELOPMENT BOARD  
NOTICE OF ADOPTED RULE

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT  
SUBTITLE B: SUPPLEMENTAL PROCUREMENT  
CHAPTER XII: CAPITAL DEVELOPMENT BOARD

PART 950  
BIDDER RESPONSIBILITY

SUBPART A: BIDDER RESPONSIBILITY

- 950.110 Purpose
- 950.120 Policy
- 950.130 Definitions
- 950.140 Special Projects
- 950.150 Confidentiality
- 950.160 Sources for Determining Responsibility
- 950.170 Processing of Contractor Bidder Responsibility and Renewal Application
- 950.180 Ineligibility

SUBPART B: SUSPENSION, DEBARMENT, MODIFICATION OF ABILITY TO BID, AND  
CONDITIONAL RESPONSIBILITY DETERMINATION

- 950.200 Actions Affecting Responsibility
- 950.210 Causes for Suspension, Modification of Ability to Bid, or Conditional Responsibility Determination

SUBPART C: APPLICATION OF CDB ACTION

- 950.300 General
- 950.310 Violation of CDB Order
- 950.320 Nullification of Responsibility
- 950.330 Denial of Award of Contract
- 950.340 Debarment
- 950.350 Reapplication for Responsibility Determination
- 950.360 Extension of CDB Action
- 950.370 Effect on Current Contracts
- 950.380 Basis of Decisions
- 950.390 Settlement

SUBPART D: PROCEDURES

- 950.400 Review
- 950.410 Conference
- 950.420 Executive Director
- 950.430 Request for Reconsideration
- 950.440 Final Consideration
- 950.450 Burden of Proof

CAPITAL DEVELOPMENT BOARD  
NOTICE OF ADOPTED RULE

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rule: These rules govern contractor responsibility for bidding on Capital Development Board (CDB) construction projects, based on contractor responsibility, as well as responsibility determination procedures and suspension.

16) Information and questions regarding this adopted rule shall be directed to:

Claire Gibson, Legal Counsel  
Capital Development Board  
401 South Spring Street  
3rd Floor Wm. G. Stratton Bldg.  
Springfield, Illinois 62706  
Telephone: 217/782-2864

The full text of the Adopted Rule begins on the next page:



## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED RULE

**AUTHORITY:** Implementing and authorized by Section 9.06 of the Capital Development Board Act [20 ILCS 3105/9.06] and authorized by Sections 5 and 6 of the Illinois Purchasing Act [30 ILCS 505/5 and 6].

**SOURCE:** Adopted at 2 Ill. Reg. 30, p. 140, effective July 27, 1978; amended at 4 Ill. Reg. 9, p. 233, effective February 14, 1980; amended at 5 Ill. Reg. 1890, effective February 17, 1981; amended and codified at 8 Ill. Reg. 20299, effective October 1, 1984; emergency amendment at 9 Ill. Reg. 3821, effective March 5 for a maximum of 150 days; amended at 9 Ill. Reg. 10659, effective July 3, 1985; amended at 9 Ill. Reg. 17321, effective October 29, 1985; amended at 12 Ill. Reg. 9860, effective May 27, 1988; amended at 16 Ill. Reg. 12424, effective July 28, 1992; Part repeated, new Part adopted at 19 Ill. Reg. 1560, effective NOV 2 1995.

## SUBPART A: BIDDER RESPONSIBILITY

## Section 950.110 Purpose

The Capital Development Board (CDB) contracts shall be awarded only to responsible contractors. A prospective contractor must affirmatively demonstrate its responsibility, including, when necessary, the responsibility of its proposed subcontractors and suppliers. In the absence of information clearly indicating that the prospective contractor is responsible, CDB shall make a determination of non-responsibility. Only responsible contractors shall be permitted to bid on CDB projects.

## Section 950.120 Policy

As a general proposition, except in instances of statutory exceptions, CDB shall award contracts to the lowest responsible and responsive bidder. However, award of a contract based on the lowest price alone can be false economy if there is subsequent default, late deliveries, or other unsatisfactory performance resulting in additional contractual or administrative costs. While it is important that Government purchases be made at the lowest price, this does not require an award to a contractor solely because that contractor submits the lowest offer.

## Section 950.130 Definitions

The following definitions shall apply to this Part:

"CDB" means the Capital Development Board.

"Contract Requirements" consist of any and all provisions of the CDB contract, which include, but are not limited to the following:

The timely submittal of all post-award requirements.

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED RULE

Material compliance with all applicable statutory requirements, local, State and federal laws, environmental and regulatory requirements and CDB Rules and Resolutions.

Payment of prevailing wage rate as determined by the Illinois Department of Labor.

Adherence to alternative dispute resolution provisions.

Material compliance with all Minority and Female Business Enterprise Act requirements and workforce hiring goals.

Timely payment to subcontractors and suppliers, unless rightfully withheld and the contractor does not request payment from CDB.

Material compliance with project schedules.

Maintaining applicable licensing requirements.

"Contractor" or "Bidder" means a firm that is in the business of constructing some or all aspects of building projects.

"Key Person" means any individual who holds 7 1/2% or more ownership interest in the firm. In the event the firm is owned by another corporation, partnership, trust or business association, any individual within that firm who holds a 7 1/2% or more ownership interest is considered a "key person". Regardless of ownership interest, any officer, partner or director is considered a "key person". This definition also includes any individual who assumes the responsibility of an officer, owner, partner, director, etc., regardless of ownership interest.

"New Bidder" is one that has no history of performance with CDB or who has been inactive for more than 3 years. Work history is determined in accordance with Section 950.170. Bidders who are newly formed business concerns having substantially the same owners, officers, directors, or beneficiaries as a previously existing non-responsible bidder will be declared non-responsible unless the new organization can demonstrate it was not set up for the purpose of avoiding an earlier declaration of non-responsibility.

"Performance Record" consists of but is not limited to the following:

Evidence of material compliance with all CDB contract requirements as referenced.

Data indicating the contractor has maintained quality workmanship and has met all contract requirements on previous contracts,

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED RULE

private and public.

"Responsibility" is a determination made by CDB that the contractor is a responsible contractor. The determination may be made at any time prior to award of a contract. Because responsibility is affected by such things as financial resources, performance records, and organizational and operational factors, all of which are subject to change, the initial determination of responsibility, made through evaluation of a new or renewal application to CDB, may be changed upon receipt of additional or different information. The contractor is required to inform CDB of any significant change to the information submitted in its application. Each prospective bidder must provide the CDB with adequate documentation of responsibility. The CDB will ordinarily provide forms for this information. The CDB may supplement this information from other sources and may require additional documentation at any time. For ease of administration, the basic information generally will be garnered through the contractor/bidder responsibility application in the case of new bidders. The responsibility determination will be verified annually through a renewal application unless the contractor fails to demonstrate a satisfactory performance record with CDB, as evidenced by performance evaluations, in which case the contractor must complete a contractor/bidder responsibility application. CDB reserves the right to demand completion of a contractor/bidder responsibility application at any time. A responsibility determination will also be verified on an ongoing basis through other information, including performance evaluations and reference contacts.

"Responsible Contractor" is a firm that:

Has adequate financial resources to perform the contract, or the ability to obtain them. This includes, but is not limited to, the ability to obtain required bonds and insurance from sureties and insurance companies acceptable to CDB.

Is able to comply with the contract requirements, considering the firm's other business obligations.

Has a satisfactory performance record.

Has a satisfactory record of integrity and business ethics.

Has the necessary organization, experience, accounting and operational controls, and technical skills, or the ability to obtain them. This includes, but is not limited to, qualified supervisory personnel and a work force qualified to meet CDB contract work force requirements.

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED RULE

Has the necessary production, construction, and technical equipment and facilities, or the ability to obtain them.

Has a current DHR number or application pending.

Is otherwise qualified and eligible to receive a contract award under applicable laws and regulations.

"Responsive Bidder" means a person or firm who has submitted a bid that conforms in all material respects to the invitation for bids. Those who submit bids which are not in conformance with the requirements of the invitation for bids will be determined to be non-responsive, which factors include, but are not limited to:

Failure to adequately demonstrate responsibility.

Submission of a bid late, in pencil, or in a manner that reveals the bid price prior to the bid opening (e.g., by facsimile).

Submission of a bid that is not in substantial conformance with the bidding documents.

Submission of bid security that is not in substantial compliance with the requirements of the bidding documents.

**Section 950.140 Special Projects**

When CDB determines a construction project is so large or specialized that a special bidder responsibility determination is appropriate, CDB may set appropriate standards of acceptability different from those set out herein. Other provisions of this Part shall remain applicable.

**Section 950.150 Confidentiality**

Documents relating to responsibility determinations of a contractor shall be maintained by CDB in a separate file and shall remain confidential as records pertaining to occupational registration, except that they shall be subject to complete disclosure to the contractor to which they relate and to units of federal, State, or local government, including but not limited to law enforcement agencies. Nothing herein shall be construed to mean that CDB is required to disclose to the contractor the name of any person or organization filing a complaint or providing information to CDB when the complaint or information is used by CDB as the basis for further inquiry into the facts alleged. CDB may release to anyone the contractor's responsibility determination status with CDB.

**Section 950.160 Sources for Determining Responsibility**



## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED RULE

To determine a contractor's responsibility, CDB may utilize information obtained from one or more of the following sources. In evaluating the information, greater consideration shall be given to the contractor's most recent projects and projects with CDB.

- a) Contractor bidder responsibility and renewal application forms
  - 1) New bidders applications shall require of the contractor:
    - A) Completed application form.
    - B) Evidence of bonding capacity meeting CDB criteria.
    - C) Adherence to statutory requirements.
    - D) Satisfactory work history - reference checks. References provided may be verified and documented by the following methods:
      - i) Telephone reference checks.
      - ii) Reference questionnaire.
  - 2) Renewal applications shall require of the contractor:
    - A) The information set out in subsection (a) above.
    - B) Adherence to CDB rules and resolutions.
    - C) Satisfactory CDB work and performance history evaluations prepared on both current and past CDB projects by the following:
      - i) CDB staff.
      - ii) Architects/engineers and consultants.
      - iii) Using agencies.
      - iv) Other contractors, subcontractors and suppliers.

- 3) Application updates
 

The contractor shall have an affirmative duty to update significant information as it occurs, including but not limited to changes in ownership, filing of bankruptcy, contract terminations, and filing of formal criminal charges against the firm or its officers, owners, or employees.

- b) Other government entities
 

CDB may conduct history reference checks by contacting federal, State or local governmental entities.
- c) Other sources

CDB may conduct reference checks from any other source in order to determine responsibility which may include, but are not limited to:

- 1) Surety/bonding companies.
- 2) Financial institutions.
- 3) Periodicals.
- 4) Newspapers.
- 5) Court records.
- 6) Any type of public record.

- d) Previous employment history
 

For any newly organized firm or a firm with a limited work history, CDB may conduct individual performance reference checks on any or all personnel.

- e) Additional information
 

CDB may request additional information from the contractor at any

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED RULE

time.

### Section 950.170 Processing of Contractor Bidder Responsibility and Renewal Application

- a) New bidders must complete a contractor bidder responsibility application. Unless the applicant is a new bidder or fails to demonstrate a satisfactory performance record with CDB as evidenced by performance evaluations, the responsibility determination will be verified by a renewal application.
- b) Processing of contractor bidder responsibility applications by CDB may require up to 45 days.
- c) Applications for renewal will be sent to contractors 60 days before the expiration of a current responsibility determination. Contractors who do not receive an application are responsible for contacting CDB prior to expiration to request an application. Such applications may require up to 45 days for processing depending upon disclosure of changes of information from the last application. Those applications nearing the end of the 45 day processing time will be notified accordingly.
- d) Applications may be sent to CDB by facsimile, provided that the original application is received by CDB within five business days. Applications sent by facsimile may require up to 45 days for processing.
- e) CDB shall review and evaluate each application received, which may include one or more of the following actions:
  - 1) Reviewing to determine whether the application is filled out in accordance with the instructions provided.
  - 2) Contacting work references or any other possible sources of pertinent information.
  - 3) Requesting additional information from the applicant.
  - 4) Reviewing CDB contractor performance evaluations.
  - 5) Meeting with the applicant at the request of CDB or the applicant.

### Section 950.180 Ineligibility

A contractor, whether or not previously determined to be responsible by CDB, may be ineligible to bid under the following circumstances:

- a) The contractor fails to meet statutory or regulatory requirements other than those set out in this Part.
- b) The contractor has inadequate relevant experience in construction contracting to undertake CDB projects. In determining whether a contractor has adequate relevant experience, CDB will consider the size, type, number, and recency of past private and public contracts of the firm, its predecessors, or key persons with the firm.
- c) The contractor has inadequate resources to meet the CDB contractual work force requirements. CDB shall not make a determination of responsibility for any contractor who has the appearance of being a

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED RULE

broker, rather than a conventional construction business. In determining whether a contractor is a broker or a firm with inadequate resources, CDB may consider one or more of the following:

- 1) Whether the contractor maintains and works from a separate conventional office which is not a residence or offices for other businesses.
- 2) Whether the contractor maintains a full-time office and construction staff consisting of clerical, managerial, and supervisory personnel.
- 3) Whether key persons with the firm have an educational and work experience background that makes the key persons sufficiently expert and knowledgeable to carry out CDB construction projects.
- 4) Whether the contractor owns equipment, tools, machinery, materials or supplies used on construction projects.
- 5) Whether the contractor has financial resources related to or generated by the construction business.
- 6) Whether the contractor has historically subcontracted for a percentage of the work in construction contracts exceeding the requirements of CDB contracts.
- 7) Whether key persons with the firm are engaged in non-construction businesses.

SUBPART B: SUSPENSION, DEBARMENT, MODIFICATION OF ABILITY TO BID, AND  
CONDITIONAL RESPONSIBILITY DETERMINATION

## Section 950.200 Actions Affecting Responsibility

At any time, CDB may consider whether action should be taken concerning a responsibility determination. Actions that may be taken include one or more of the following:

- a) Interim or Emergency Suspension or Modification  
CDB may summarily suspend or modify a contractor's responsibility determination in accordance with Section 16 of the Capital Development Board Act [20 ILCS 3105/16].
- b) Debarment  
CDB may debar a contractor to exclude it from bidding for CDB contracts as authorized by statute. The period of debarment shall be as authorized by law.
- c) Modification of Ability to Bid  
CDB may modify or limit a contractor's ability to bid as appropriate, including, but not limited to one or more of the following:
  - 1) Limiting the dollar amount a contractor may bid for a specified period of time, or until a current contract is substantially complete.
  - 2) Limiting the number of CDB contracts a contractor may enter into for a specified period of time, or until a current contract is substantially complete.
  - 3) Limiting the aggregate dollar amount of contracts the contractor

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED RULE

may enter into, considering both public and private contracts.

- 4) Imposing limits as set forth above pending performance on the contractor's next CDB contract(s), in instances where the contractor has no current CDB contracts.

- d) Conditional Responsibility Determination  
CDB may condition a determination of responsibility (which may be otherwise limited) on the contractor's successful utilization of a management plan, evaluations, conferences, or other methods designed to achieve satisfactory performance or compliance with contract requirements.
- e) Suspension  
CDB may suspend a contract or disqualify a contractor temporarily from contracting with CDB, for a period of time up to one year. The contractor's failure to timely pursue administrative action as provided by Subpart D of this Part shall constitute consent of the contractor to CDB's action.

Section 950.210 Causes for Suspension, Modification of Ability to Bid, or  
Conditional Responsibility Determination

CDB may determine a contractor is not responsible and suspend or otherwise modify or issue a conditional determination based upon one or more of the following:

- a) Failure to satisfactorily perform work on CDB contract(s), private contract(s), or other governmental contracts.
- b) Breach of the terms of a CDB contract(s), private contract(s), or other governmental contract(s).
- c) Making false or misleading statements, or failing to disclose or update significant information in connection with CDB procedures or documents, including but not limited to the contractor bidder responsibility application or renewal application.
- d) Violation of civil or criminal federal or State statutes or administrative rules and regulations. In the case of criminal violations, indictment shall constitute adequate evidence for a determination of non-responsibility.
- e) Financial instability which may be evidenced by bankruptcy, failure to timely pay subcontractors, difficulty in obtaining acceptable bonding, attempts to assign contract proceeds, or other indications of serious business management deficiencies.
- f) Failure to understand, accept or utilize CDB procedures and standards, which results in the extraordinary expenditure of CDB resources.
- g) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, or conduct indicating a lack of business integrity or business honesty that seriously and directly affects the present responsibility of a contractor.
- h) Suspension, debarment, or limits on bidding contracts by any other governmental body.



## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED RULE

- i) Any other cause of so serious or compelling a nature that it affects the present responsibility of a contractor.

## SUBPART C: APPLICATION OF CDB ACTION

**Section 950.300 General**

Suspension, debarment, nullification of responsibility, modification of responsibility, or issuance of conditional responsibility determination by CDB is applicable to a contractor's direct contracts with CDB and to subcontracts on CDB projects, unless otherwise determined under Section 950.360.

**Section 950.310 Violation of CDB Order**

When a contractor works as a subcontractor on a CDB project in violation of Section 950.300, CDB may extend the term of suspension, debarment, nullification, modification, or conditional responsibility, or otherwise limit or condition the ability to bid on contracts with CDB.

**Section 950.320 Nullification of Responsibility**

When CDB determines that a contractor has knowingly made a material misrepresentation in its application for a responsibility determination, the contractor may not re-apply to CDB for a period of three years.

- a) When the contractor has not previously applied to CDB, or it failed to reapply, the three year period shall begin on the date of the submittal of the application.
- b) When the contractor has been determined to be responsible in error, the three year period shall begin on the date the current responsibility determination was made.
- c) CDB will notify the contractor of the nullity. The contractor may, within 30 days after notification, submit a written explanation with supporting documentation for CDB's review.
- d) CDB may cancel awards or terminate any contracts awarded that were based upon the application with misrepresentations.
- e) A material misrepresentation is made by knowingly submitting any untrue, misleading or deceptive information or document containing such information, or by the concealment, suppression or omission of any information, in or from an application, which causes CDB to act differently than it would have if it had known the undisclosed or true information.

**Section 950.330 Denial of Award of Contract**

Notwithstanding any other provisions in this Part, if CDB finds a contractor non-responsible due to one or more causes set out in Section 950.210 of this Part, CDB may deny the contractor the award of a contract.

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED RULE

**Section 950.340 Debarment**

Following a period of debarment, when a contractor submits a responsibility application to CDB, the application shall be deemed to be a first-time application rather than one for renewal.

**Section 950.350 Reapplication for Responsibility Determination**

When a contractor submits a responsibility application to CDB during or following a period of debarment, suspension, nullification, modification of ability to bid, or conditional responsibility determination, the contractor must affirmatively demonstrate its responsibility, including demonstrating that the reason for imposition of suspension, debarment, nullification, modification, or condition has been remedied.

**Section 950.360 Extension of CDB Action**

The effect of action imposed by CDB may extend to all affiliates, branches, subsidiaries, divisions, or parent firms of the contractor, and to any firm in which the contractor or its key persons have a legal or beneficial interest.

**Section 950.370 Effect on Current Contracts**

Current CDB contracts may be terminated when a contractor is determined to be non-responsible and it is in the public interest to do so, whether or not the non-responsibility has a direct connection with the current contract. Contracts may be terminated with or without further action on the contractor's responsibility.

**Section 950.380 Basis of Decisions**

CDB shall make determinations as appropriate concerning the substance of a contractor's business as opposed to its form, and base its decisions on the substance. When a contractor attempts to evade the effects of a possible or actual finding of non-responsibility by changes of address, multiple addresses, changes in personnel or their titles, formation of new companies, or by other devices, CDB may take action pursuant to Section 950.200 and Subpart C of this Part.

**Section 950.390 Settlement**

Notwithstanding any provision of this Part, the parties to any contested matter concerning contractor responsibility may at any time enter into an agreement to resolve responsibility issues by settlement.

## SUBPART D: PROCEDURES

**Section 950.400 Review**

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED RULE

When information which places a contractor's responsibility in question comes to CDB's attention, CDB shall review the facts and documentation. If further inquiry is desirable, it may do such further inquiry, which may result in an informal conference with the contractor and its appropriate staff members with CDB.

**Section 950.410 Conference**

When requesting a conference with a contractor, CDB's letter shall request that the contractor bring to the conference any documents, personnel, or other information pertinent to responsibility that it wishes for CDB to consider. The contractor may bring its attorney to the conference, if desired. Within a reasonable time in advance of the conference, CDB shall furnish the contractor with all information in its possession pertinent to the responsibility issue, and shall further advise the contractor in writing that it has the right to inspect its file.

**Section 950.420 Executive Director**

Following CDB's conference with the contractor, the committee shall forward a recommendation as to a determination of responsibility to the Executive Director for consideration. The contractor will be notified in writing of the Executive Director's decision.

**Section 950.430 Request for Reconsideration**

Within 15 days after receipt of the Executive Director's decision, the contractor shall make any further appeal to the Executive Director in writing. The appeal shall request reconsideration of the decision and shall include as attachments any and all supporting evidence not previously submitted. CDB shall respond to the request for reconsideration within 15 days after CDB's receipt.

**Section 950.440 Final Consideration**

Following the completion by the contractor of procedures in Sections 950.410 and 950.430 of this Part, any contractor whose bidding status has been denied, suspended, debarred, nullified, conditioned, modified or limited by CDB may petition the Capital Development Board for a final consideration before the Board of the Executive Director's decision. The petition for final consideration shall be in writing, and shall be submitted within 15 days after the contractor's receipt of the Executive Director's decision on the request for reconsideration. The petition shall state the issues the contractor wishes to bring before the Board, shall contain a brief statement of the contractor's position on each issue, and shall include as attachments all documentary supporting evidence the contractor wishes for the Board to consider. The petition shall be heard at the Board's next regularly scheduled meeting, provided the meeting is at least 20 days from the date CDB receives the

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED RULE

contractor's petition. The contractor shall appear at the meeting and present its case in an informal manner to the Board, and may be assisted by an attorney or other persons as desired. The individual Board members may ask questions as appropriate. Minutes of the proceeding shall be taken. The Board will issue its decision within 30 days after the proceedings.

**Section 950.450 Burden of Proof**

Any determination pursuant to this Part may be made when CDB possesses documentation of one or more of the factors described in Section 950.180, 950.210, or 950.320. Such documentation constitutes a presumptive determination of non-responsibility. The contractor is entitled to rebut the presumption, through procedures described in this Subpart, but the presumption will not be overturned unless the contractor shows, by a preponderance of evidence, that each factor cited by CDB in support of its determination of non-responsibility is not present.



## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Prequalification and Suspension of Contractors

2) Code Citation: 44 Ill. Adm. Code 950

3) Section Numbers: Adopted Action:

950.190 Repeal  
950.200 Repeal  
950.500 Repeal  
950.510 Repeal  
950.520 Repeal

4) Statutory Authority: Implementing and authorized by Section 9.06 of the Capital Development Board Act [20 ILCS 3105/9.06] and authorized by Sections 5 and 6 of the Illinois Purchasing Act [30 ILCS 505/5 and 505/6a-3d].

5) Effective date of Repealer: November 2, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) Date filed in Agency's Principal Office: November 2, 1995

9) Notice of Proposal Published in Illinois Register: February 24, 1995; 19 Ill. Reg. 2087

10) Has JCARR issued a Statement of Objections to this rule? No

11) Difference(s) between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCARR been made as indicated in the agreement letter issued by JCARR? No changes were requested by JCARR.

13) Will this repealer replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Repealer: This repealer will be replaced by new rules based on contractor responsibility, as well as responsibility procedures and suspension.

16) Information and questions regarding this adopted rule shall be directed to:

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED REPEALER

Claire Gibson, Legal Counsel  
Capital Development Board  
401 South Spring Street  
3rd Floor Wm. G. Stratton Bldg.  
Springfield, Illinois 62706  
Telephone: 217/782-2864

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Cost Containment Form and Data Reporting Requirements

2) Code Citation: 50 Ill. Adm. Code 6602

3) Section Number: Adopted Action:

6602.Appendix A Amended  
 6602.Appendix B Amended  
 6602.Appendix H Amended  
 6602.Appendix I Amended  
 6602.Appendix J Amended  
 6602.Appendix L Amended

4) Statutory Authority: Implementing and authorized by Section 1204 of the Illinois Insurance Code [215 ILCS 5/1204].

5) Effective Date of Amendment: November 7, 995

6) Does this Amendment contain an automatic repeal date? No

7) Does this Amendment contain incorporations by reference? No

8) Date filed in Agency's Principal Office: November 7, 1995

9) Notice of Proposal Published in Illinois Register: June 30, 1995, 19 Ill. Reg. 8479

10) Has JCARE issued a Statement of Objections to this Amendment? No

11) Difference(s) between proposal and final version:

a) Within the Main Authority note of the DOI version, delete Illinois Revised Statutes citation and add the Illinois Compiled Statute citation.

b) Section 6602.Appendix A (i), change "transmittals, be" to "transmittals, Be 7-be--Be".

c) Section 6602.Appendix A(g)(4)(A)(ii), change "IQ901201" to "IQ901201".

d) Section 6602.Appendix A(g)(4)(A)(ii), change "IQ01203" to "IQ01203".

e) Section 6602.Appendix A(g)(4)(B)(ii), change "IA900001" to "IA900001".

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

f) Section 6602.Appendix A(g)(4)(B)(ii), delete "IA900003" and add "IA900003".

g) Section 6602.Appendix A(g)(5) on the last line, change "IA900001.INT" to "IA9000000001.INT".

h) Section 6602.Appendix A(g)(6)(D), delete "5 1/4 inch" and add "3 1/2 inch".

i) Section 6602.Appendix A(i), in box of questions, delete "2a. If yes, complete Section B." and add "3. If yes, date(s) of filing(s) to be replaced?".

j) Section 6602.Appendix A(i), in box of questions, delete "3." and add "4.".

k) Section 6602.Appendix A(i), in box of questions, delete "3a. If yes, complete Section B."

l) Section 6602.Appendix A(i), in box of questions, add "5. If yes, date(s) of filing(s) to be replaced?" and delete "Date(s) of Filing(s) to be replaced?" in box thereunder.

m) Section 6602.Appendix B in paragraph following charts on line 3, change "possible, however, for a period not to exceed three (3) years from the effective date of this Part," to "possible; however, until October 11, 1994 a--period-not-to-exceed--three--(3)--years--from--the effective-date-of-this-Part".

n) Section 6602.Appendix H, in the indented paragraph on the last line, change "a and b" to "[a] and [b]".

o) Section 6602.Appendix H, in the indented paragraph on the last line, change "c" to "[c]".

p) Section 6602.Appendix L in column next to residential fire, add "Code" in second column and added "Exposure Base" in third column.

12) Have all changes agreed upon by the agency and JCARE been made as indicated in the agreement letter issued by JCARE?

Using the First Notice Version supplied by JCARE the following changes were discussed and agreed upon, but were not reflected in the Second Notice Changes document prepared by JCARE.

a) Line 132, Section 6602.Appendix A(g)(4)(A)(ii), change "IQ901201" to "IQ901201".



## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

- b) Line 134, Section 6602.Appendix A(g)(4)(A)(ii), change "IQ01293" to "IQ01293".
- c) Line 140, Section 6602.Appendix A(g)(4)(B)(ii), change "IA900001" to "IA900001".
- d) Line 142, Section 6602.Appendix A(g)(4)(B)(ii), delete "IA900003" and add "IA900003".
- e) Line 148, Section 6602.Appendix A(g)(5) on the last line, change "IA900001.INT" to "IA900000001.INT".
- f) Line 224, Section 6602.Appendix A(i), in box of questions, delete "3." and add "4.".
- g) Line 226, Section 6602.Appendix A(i), in box of questions, add "5. If yes, date(s) of filing(s) to be replaced?" and delete "Date(s) of Filing(s) to be replaced?" in box thereunder.
- h) Line 258 in JCAR's Final Code copy, Section 6602.Appendix (B) in paragraph following charts on line 5, changed "10/11/95" to "10/11/94" as indicated by JCAR's Second Notice Changes document.
- i) Line 224 in JCAR's Final Code copy, Section 6602.Appendix A(i) in box of questions #3 is stricken. This was not indicated in JCAR's Second Notice Changes document, and not agreed upon by the Department. Please see llj) above.

13) Will this Amendment replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of rulemaking: The changes are being made to expedite the Department's handling of data, reduce errors and the number of refilings.

16) Information and questions regarding this adopted Amendment shall be directed to:

Bruce Hrabak  
Department of Insurance  
320 West Washington  
Springfield, Illinois 62767-0001  
(217) 524-6279

The full text of the Adopted Amendment begins on the next page.

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE  
CHAPTER I: DEPARTMENT OF INSURANCE  
SUBCHAPTER III: INSURANCE COST CONTAINMENT

## PART 6602

## COST CONTAINMENT FORM AND DATA REPORTING REQUIREMENTS

Section	Purpose and Scope
6602.10	Recording Procedures
6602.20	GENERAL SUBMISSION GUIDELINES
APPENDIX A	REPORTING PERIODS, FILE LAYOUTS AND RECORD FORMATS
APPENDIX B	ANNUAL REPORTING
APPENDIX C	SEMI-ANNUAL REPORTING
APPENDIX D	GENERAL CODING CONVENTIONS - PREMIUMS
APPENDIX E	GENERAL CODING CONVENTIONS - LOSSES
APPENDIX F	GENERAL LIABILITY CLASS CODES
APPENDIX G	MEDICAL MALPRACTICE CLASS/CLASS GROUPS
APPENDIX H	COMMERCIAL AUTOMOBILE LIABILITY CLASS GROUPS - EXCLUDING PERSONAL INJURY PROTECTION (PIPS)
APPENDIX I	PRIVATE PASSENGER AUTO CLASSIFICATIONS
APPENDIX J	BUSINESS OWNERS CLASSIFICATIONS
APPENDIX K	HOMEOWNER CLASSIFICATIONS
APPENDIX L	SPECIAL CLASSIFICATIONS APPLICABLE TO EXCESS INSURANCE
APPENDIX M	

AUTHORITY: Implementing and authorized by Section 1204 of the Illinois Insurance Code [215 ILCS 5/1204].

SOURCE: Adopted at 15 Ill. Reg. 15438, effective October 11, 1991; amended at 19 Ill. Reg. 15627 effective NOV 7 1995.

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

## Section 6602.APPENDIX A GENERAL SUBMISSION GUIDELINES

- a) Data Collection Information
- 1) Data may be submitted only on diskette beginning with the November 1, 1995 filing date and thereafter on magnetic tape.
  - 2) Diskettes and/or magnetic tapes shall conform to the recording procedure contained in Section 6602.20. Failure to comply with these specifications shall subject the insurer to those penalties and procedures contained in Section 1204 of the Illinois Insurance Code [215 ILCS 5/1204]. ~~###-Rev-Stat-1989-CH-737 par-1065-984777~~
- b) Guidelines for Data Collection
- Insurers are responsible for developing or obtaining any software required to convert and/or translate their internal file structures and formats to those prescribed by this Part.
- c) Data Format Standards
- To simplify aspects of the data collection process, data and file formats for diskettes shall consist of common American Standard Code for Information Inter-Change (ASCII) representation. Tape--data--and file--formats--shall--consist--of--common--Extended--Binary--Coded--Decimal Information--Code--hereafter--EBCDIC--representations.
- d) File Description and Reporting Requirements
- 1) All amounts must be reported in whole dollars, with no reporting of cents.
  - 2) Each line item required to be filed shall be a separate record. Multiple records for the same "Filing Method" code number (filer) will no longer be accepted. Multiple records will be rejected as edit errors and the entire filing will be returned for correction.
  - 3) The sign for all amount (numeric) fields shall be carried separately from the number. The sign shall precede the number and shall be represented as positive (+) or negative (-).
  - 4) All alpha and alphanumeric fields shall be left-justified. Do not zero-fill blank characters.
  - 5) All numeric fields shall be zero-filled and right-justified.
  - 6) Fields which are not required for a line shall be zero-filled.
  - 7) Rounding Rule - Rounding shall be accomplished by dropping, through 49 cents, and by increasing and decreasing the dollar amount by 1 (depending on whether the amount is positive or negative) for 50 through 99 cents.
  - 8) Filing Types - The initial filing is the first filing by an insurer for any of the three filings (February, August and November) for a year. An amended filing is used when any portion of the initial filing was in error. An amended filing must contain all information, not just the data that was in error. A refiling is required when the insurer and/or software produced results that were not acceptable. The refiling must contain all information required by this Part. Refer to File Structures and

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

- Naming Conventions in subsection (h) and (i) of this Appendix.
- 9) Records due on February 1, August 1 and November 1, respectively, shall be submitted on separate diskette(s) diskettes/tapes.

- e) Diskette Size and Density
- 1) Diskette(s) Diskettes submitted to the Illinois Department of Insurance shall be IBM compatible, 3 1/2 inch diskettes. 5-1/4 inch dual-sided dual-density soft-sectored floppy diskettes with a recording density of either 360-KB or 1.2-MB high-density IBM PC/XT format--the 3-1/2-inch diskettes from an IBM--Personal System/2--or--compatible--with a recording density of 720-KB or 1.44-MB--are also acceptable. Diskette density shall be specified on the external diskette label. Diskettes will not be returned.
  - 2) The Department has developed and is making available an edit program for use on all PCs using DOS. To request a copy of this program, contact the Illinois Department of Insurance Cost Containment Section. Insurers shall run their ASCII file data against this edit program prior to submitting the diskette.
- f) Tape Specifications
- Date--submitted--on--magnetic--tape--shall--conform--to--the--following specification--6250-BPI--standard--IBM-compatible--record--size--of--577 block--size--of--99497--and--shall--be--accompanied--with--a--print--out--of--tape header--information--of--the--first--five--blocks--Tapes--will--be--returned only--if--a--self-addressed--matter--is--provided.
- g) Insurer Responsibilities
- It is the responsibility of the insurer to meet all of the Illinois Department of Insurance guidelines for data submission. The insurer shall be held accountable for continued compatibility and compliance with the requirements of this Part.
- h) Diskette File Structures and Naming Conventions
- 1) Each diskette submitted to the Illinois Department of Insurance shall contain one physical file. Physical files that span multiple diskettes shall be logically continued. A file on one diskette may terminate (end of file mark) at the end of any line item. The records on the physical file on subsequent diskette(s) shall continue from the records on the physical file of the previous diskette.
  - 2) Records due on February 1, August 1, and November 1, respectively, must be submitted on separate diskette(s) diskettes.
  - 3) A diskette file name shall be made up of two portions, a date data name and an extension. The date name references the filing and the extension references the type of filing.  
The date data name of each file on diskette is:  
A) February 1 and August 1 filing;  
i) IQYVQNN: where YY is the reporting year, qq is the reporting quarters (12 or 34),  
nn is the physical file sequence
  - 4)



## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

- number.
- ii) Examples: Diskette Number 1 - File Name = "IQ901201"  
Diskette Number 3 - File Name = "IQ901203"
- B) November 1 filing:  
i) IAYynnn: where yy is the reporting year, nnnn is the physical file sequence number.
- ii) Examples: Diskette Number 1 - File Name = "IA900001"  
Diskette Number 3 - File Name = "IA900003"
- 5) The extension name of each file on diskette is data portion .xxx where xxx is the type of filing. Acceptable extensions are INT for initial filings, AMD for amended filings and REF for refilings. Refer to File Description and Reporting Requirements, subsection (d)(8) of this Appendix. For example, diskette number 1 - "IA900001.INT".
- 6) Diskettes shall be clearly identified by external labels containing all of the following information:  
A) Company Name  
B) Company NAIC and FEIN Number  
C) Diskette No. \_\_\_\_ of \_\_\_\_ (i.e., Diskette No. 2 of 4)  
D) Diskette Density (i.e., 360 KB or 1.2 MB - 3 1/2 5-1/4 inch)  
E) Filing Date  
F) Diskette Contact Person and Telephone Number  
G) Type (i.e., INT, AMD, REF)  
H) File Name
- †† Tape  
Records due on February 17-August 11-and-November 17-respectively shall be submitted on separate tapes. A tape file name (BSN---Data Set Name) shall be made up of two qualifiers. The high-level qualifier references the filing and the low-level qualifier references the type of filing.  
†† The high-level qualifier name of the file or tape is:  
A) February 17-and-August 11-filing?  
†† IQYyqqnn: where yy is the reporting year  
qq is the reporting quarters (12-or-34)  
nn is the physical file sequence number.  
†† Examples: Tape number 1-----High-Level-Qualifier--  
"IA9001201"  
B) November 1-filing?  
†† IAYynnn: where yy is the reporting year  
nn is the physical file sequence number.  
†† Example: Tape number 1-----High-Level-Qualifier--  
"IA9001201"
- 2) The low-level qualifier naming convention for the single file or

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

## tape-is:

- A) High-level-qualifier-xxx-where-xxx-is-the-type-of-filing  
B) Acceptable-low-level-qualifiers-are-INT-for-initial-filings  
AMD-for-amended-filings-and-REF-for-refilings. Refer to  
File-Description-and-Reporting-Requirements-subsection  
(d)(8)-of-this-appendix.  
†† Example-tape-number-1-----IA9001201  
B) Tapes shall be clearly identified by external labels  
containing all of the following information:  
†† Company Name  
†† Company NAIC and FEIN Number  
†† Tape-Volume-#  
†† Filing-Date  
†† Tape-Contact-Person-and-Telephone-Number  
†† Tape-File-REF-AMD  
†† File-Name

## h)†† Mailing Requirements

- 1) The diskette(s) diskettes/tapes submissions shall include a completed diskette/tape transmittal form and certification.  
2) The diskette(s)/tape(s) shall be enclosed in rigid protective packaging that will prevent bending and other destructive exposures.  
3) The outer package shall be clearly labeled to indicate computer diskette(s) diskettes-or-tapes are enclosed.  
4) Address submission to:  
Illinois Department of Insurance  
Cost Containment Section  
SBI200 Data Unit  
320 West Washington  
Springfield, Illinois 62767

## i)†† Diskette/Tape-Transmittal Format and Certification

Name of Insurer

IL Co. # \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_ FEIN \_\_\_\_

NAIC Group # \_\_\_\_\_ NAIC Company # \_\_\_\_\_

This format is required for all transmittals. Be sure to respond to all questions below and to provide all required information. Any additional comments that may help to identify the diskette/data contents should be supplied.

1. Is this the initial filing? (Y/N) \_\_\_\_\_ Feb. \_\_\_\_\_ Aug. \_\_\_\_\_ Nov. \_\_\_\_\_  
2. Is this a refiling? (Y/N) \_\_\_\_\_

DEPARTMENT OF INSURANCE  
NOTICE OF ADOPTED AMENDMENTS

2a--if-year-complete-Section-B-  
3r is-this-amended-filing?-Y/N+  
3a--if-year-complete-Section-B-

Date(s) of filing(s) to be replaced? \_\_\_\_\_

Additional comments if necessary for clarification: \_\_\_\_\_

Diskette/Tape Contact: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Address: \_\_\_\_\_

Attach a copy of this external label of the diskette(s)/tape to the back of this form.

The undersigned hereby certifies that, to the best of my knowledge, this submission was prepared in compliance with the Illinois Department of Insurance specifications.

(Signed) \_\_\_\_\_  
Type Name and Title \_\_\_\_\_

(Source: Amended at 19 Ill. Reg. 15625, effective NOV 7 1995)

DEPARTMENT OF INSURANCE  
NOTICE OF PROPOSED AMENDMENTS

Section 6602.APPENDIX B REPORTING PERIODS, FILE LAYOUTS AND RECORD FORMATS

Reporting Line/Period	Cal. Yr. Prem.	Cal. Yr. Loss	Policy Yr. Prem.	Policy Yr. Loss	Acc. Yr. Loss	Ill.	Co. Wide
Qtrly. G.L. Rptng.	X					X	
Qtrly. Med. Mal.	X					X	
Qtrly. Comm. Auto	X					X	
Qtrly. H.O.	X					X	
Qtrly. P.P. Auto	X					X	
Annual G.L. Rptng.		X	X			X	X
Annual Med. Mal.		X	X			X	X
Annual Comm. Auto	X				X	X	X
Annual B.O. Rptng.	X				X	X	X
Annual P. P. Auto	X	X <sup>3</sup>			X <sup>4</sup>	X	X
Ann. Ex. Ins. Rptng.	X <sup>1</sup>	X <sup>2</sup>	X <sup>2</sup>	X <sup>2</sup>	X <sup>1</sup>	X	X
Annual H.O. Opt. 1	X	X				X	X
Annual H.O. Opt. 2	X				X	X	X
Zip Code (Where Required. See Line/Item Matrix.)	X					X	

- 1 personal and commercial auto lines excess or umbrellas
- 2 general liability lines excess or umbrellas
- 3 private passenger auto - physical damage
- 4 private passenger auto - liability



## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED AMENDMENTS

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED AMENDMENTS

## Line/Item Matrix

## Premium

Position/Data Element	Picture	G.L.	Med. Mal.	Comm. Auto	Pers. Auto	Home-Owners	Business Owners	Excess Ins.
1. NAIC #	5 A/N	yes	yes	yes	yes	yes	yes	yes
2. NAIC Group	3 A/N	yes	yes	yes	yes	yes	yes	yes
3. FEIN	9 A/N	yes	yes	yes	yes	yes	yes	yes
4. Filing Method	1 A/N	yes	yes	yes	yes	yes	yes	yes
5. Prem./Loss Indicator	1 A/N	yes	yes	yes	yes	yes	yes	yes
6. Accounting Date	3 A/N	yes	yes	yes	yes	yes	yes	yes
7. Experience Method	1 A/N	yes	yes	yes	yes	yes	yes	yes
8. State/Company-wide	2 A/N	yes	yes	yes	yes	yes	yes	yes
9. Line of Business	1 A/N	yes	yes	yes	yes	yes	yes	yes
10. Form Type	1 A/N	yes	yes	yes	yes	yes	yes	yes
11. Class	6 A/N	yes	yes	yes	yes	yes	yes	yes
12. Zip Code	5 N	no	no	no	yes	yes	no	no
13. Stat. Data Year	2 N	yes	yes	yes	yes	yes	yes	yes
14a. Exposure Sign	1 Sign	yes	yes	yes	yes	yes	no	no
14b. Written Exposure	12 N	yes	yes	yes	yes	yes	no	no

## Line/Item Matrix

## Premium

Position/Data Element	Picture	G.L.	Med. Mal.	Comm. Auto	Pers. Auto	Home-Owners	Business Owners	Excess Ins.
15a. W. Premium Sign	1 Sign	yes	yes	yes	no	yes	yes	yes
15b. Written Premium	12 N	yes	yes	yes	no	yes	yes	yes
16a. E. Premium Sign	1 Sign	yes	yes	yes	no	yes	yes	yes
16b. Earned Premium	12 N	yes	yes	yes	no	yes	yes	yes
17a. BI or Comp. W. Premium Sign	1 Sign	no	no	no	yes	no	no	no
17b. BI or Comp. Written Prem.	12 N	no	no	no	yes*	no	no	no
18a. BI or Comp. Prem. Sign	1 Sign	no	no	no	yes	no	no	no
18b. BI or Comp. Earned Prem.	12 N	no	no	no	yes*	no	no	no
19a. PD or Coll. W. Prem. Sign	1 Sign	no	no	no	yes	no	no	no
19b. PD or Coll. Written Prem.	12 N	no	no	no	yes	no	no	no
20a. PD or Coll. Prem. Sign	1 Sign	no	no	no	yes	no	no	no
20b. PD or Coll. Earned Prem.	12 N	no	no	no	yes	no	no	no
21a. UM W. Prem. Sign	1 Sign	no	no	no	yes <sup>1</sup>	no	no	no

DEPARTMENT OF INSURANCE  
NOTICE OF PROPOSED AMENDMENTS

Line/Item Matrix

Premium

Position/Data Element	Picture	G.L.	Med. Mal.	Comm. Auto	Pers. Auto	Home-Owners	Business Owners	Excess Ins.
21b. UM Written Premium	12 N	no	no	no	yes* <sup>1</sup>	no	no	no
22a. UM Earned Prem. Sign	1 Sign	no	no	no	yes <sup>1</sup>	no	no	no
22b. UM Earned Premium	12 N	no	no	no	yes* <sup>1</sup>	no	no	no

\* Note: Medical payments premium shall be included with the BI premiums reported. Single limit policies shall have all premiums reported in the BI premium element. UM premium shall be split when possible; however, for a period not to exceed three (3) years from the effective date of this Part, until October 11, 1994 for advisory organizations reporting on behalf of insurance companies may report UM premium as a separate record using only the line of business indicator and as an aggregate for the whole of the State of Illinois.

A = Alphabetic  
N = Numeric  
1 = Liability Only

DEPARTMENT OF INSURANCE  
NOTICE OF PROPOSED AMENDMENTS

Line/Item Matrix

Loss

Position/Data Element	Picture	G.L.	Med. Mal.	Comm. Auto	Pers. Auto	Home-Owners	Business Owners	Excess Ins.
1. NAIC #	5 A/N	yes	yes	yes	yes	yes	yes	yes
2. NAIC Group	3 A/N	yes	yes	yes	yes	yes	yes	yes
3. FEIN	9 A/N	yes	yes	yes	yes	yes	yes	yes
4. Filing Method	1 A/N	yes	yes	yes	yes	yes	yes	yes
5. Prem./Loss Indicator	1 A/N	yes	yes	yes	yes	yes	yes	yes
6. Accounting Date	3 A/N	yes	yes	yes	yes	yes	yes	yes
7. Experience Method	1 A/N	yes	yes	yes	yes	yes	yes	yes
8. State/Company-wide	2 A/N	yes	yes	yes	yes	yes	yes	yes
9. Line of Business	1 A/N	yes	yes	yes	yes	yes	yes	yes
10. Form Type	1 A/N	yes	yes	yes	yes	yes	yes	yes
11. Class	6 A/N	yes	yes	yes	yes	yes	yes	yes
12. Stat. Data Year	2 N	yes	yes	yes	yes	yes	yes	yes
13. Type of Loss	1 A/N	no	no	yes no	yes	no	no	no
14a. Paid Loss Sign	1 Sign	yes	yes	yes	yes	yes	yes	yes



## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED AMENDMENTS

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

## Record Format - Premium (General Liability)

Line/Item Matrix	Position/Data Element	Picture	G.L.	Med. Mal.	Comm. Auto	Pers. Auto	Home-Owners	Business Owners	Excess Ins.
Loss									
14b. Paid Loss Amount	12 N	yes	yes	yes	yes*	yes*	yes	yes*	yes*
15a. O/S Loss Sign	1 Sign	yes	yes	yes	yes <sup>2</sup>	yes <sup>2</sup>	yes	yes	yes
15b. Outstanding Loss	12 N	yes	yes	yes	yes*	yes*	yes	yes*	yes*
16a. Paid Allocated Loss Expense Sign	1 Sign	yes	yes	yes	yes	yes <sup>3</sup>	no	yes	yes
16b. Paid Allocated Loss Expense Amount	12 N	yes	yes	yes	yes	yes <sup>3</sup>	no	yes	yes
17a. O/S Allocated Loss Expense Sign	1 Sign	yes	yes	yes	yes	yes <sup>3</sup>	no	yes	yes
17b. O/S Allocated Loss Expense Amount	12 N	yes	yes	yes	yes	yes <sup>3</sup>	no	yes	yes
18a. Paid # Sign	1 Sign	yes	yes	yes	yes	yes	yes	yes	yes
18b. Paid #	8 N	yes	yes	yes	yes	yes	yes	yes	yes
19a. O/S # Sign	1 Sign	yes	yes	yes	yes	yes	yes	yes	yes
19b. O/S #	8 N	yes	yes	yes	yes	yes	yes	yes	yes
20. Filler	51 A/N	no	no	no	no	no	no	no	no

\* For these lines (commercial auto, private passenger auto, excess insurance and business owners) allocated loss adjustment expense shall be included in paid and outstanding losses.

2 = Beginning 01/01/93

3 = Liability Only

## Record Format - Premium (Medical Malpractice)

Column #	Picture	Clause	Value
1-5	Pic X(5)	NAIC Number	
6-8	Pic X(3)	NAIC Group #	
9-17	Pic X(9)	FEIN Number	
18	Pic X(1)	Filing Method	
19	Pic X(1)	Premium/Loss Indicator	
20-22	Pic X(3)	Accounting Date	
23	Pic X(1)	Experience Method	
24-25	Pic X(2)	State Identifier	

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

Column #	Picture Clause	Value
26	Pic X(1)	Line of Business
27	Pic X(1)	Form Type
28-33	Pic X(6)	Class
34-38	Pic 9(5)	N/A (Zero-fill)
39-40	Pic 9(2)	Statistical Data Year
41	Pic X(1)	Sign Field
42-53	Pic 9(12)	Exposure
54	Pic X(1)	Sign Field
55-66	Pic 9(12)	Written Premium
67	Pic X(1)	Sign Field
68-79	Pic 9(12)	Earned Premium
80	Pic X(1)	N/A (Zero-fill)
81-92	Pic 9(12)	N/A (Zero-fill)
93	Pic X(1)	N/A (Zero-fill)
94-105	Pic 9(12)	N/A (Zero-fill)
106	Pic X(1)	N/A (Zero-fill)
107-118	Pic 9(12)	N/A (Zero-fill)
119	Pic X(1)	N/A (Zero-fill)
120-131	Pic 9(12)	N/A (Zero-fill)
132	Pic X(1)	N/A (Zero-fill)
133-144	Pic 9(12)	N/A (Zero-fill)
145	Pic X(1)	N/A (Zero-fill)
146-157	Pic 9(12)	N/A (Zero-fill)

Record Format - Premium (Commercial Auto)

Column #	Picture Clause	Value
1-5	Pic X(5)	NAIC Number
6-8	Pic X(3)	NAIC Group #
9-17	Pic X(9)	FEIN Number
18	Pic X(1)	Filing Method
19	Pic X(1)	Premium/Loss Indicator
20-22	Pic X(3)	Accounting Date
23	Pic X(1)	Experience Method
24-25	Pic X(2)	State Identifier
26	Pic X(1)	Line of Business
27	Pic X(1)	Form Type
28-33	Pic X(6)	Class
34-38	Pic 9(5)	N/A (Zero-fill)
39-40	Pic 9(2)	Statistical Data Year
41	Pic X(1)	Sign Field
42-53	Pic 9(12)	Exposure
54	Pic X(1)	Sign Field
55-66	Pic 9(12)	Written Premium
67	Pic X(1)	Sign Field
68-79	Pic 9(12)	Earned Premium
80	Pic X(1)	N/A (Zero-fill)

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

81-92	Pic 9(12)	N/A (Zero-fill)
93	Pic X(1)	N/A (Zero-fill)
94-105	Pic 9(12)	N/A (Zero-fill)
106	Pic X(1)	N/A (Zero-fill)
107-118	Pic 9(12)	N/A (Zero-fill)
119	Pic X(1)	N/A (Zero-fill)
120-131	Pic 9(12)	N/A (Zero-fill)
132	Pic X(1)	N/A (Zero-fill)
133-144	Pic 9(12)	N/A (Zero-fill)
145	Pic X(1)	N/A (Zero-fill)
146-157	Pic 9(12)	N/A (Zero-fill)

Record Format - Premium (Personal Auto) Liability

Column #	Picture Clause	Value
1-5	Pic X(5)	NAIC Number
6-8	Pic X(3)	NAIC Group #
9-17	Pic X(9)	FEIN Number
18	Pic X(1)	Filing Method
19	Pic X(1)	Premium/Loss Indicator
20-22	Pic X(3)	Accounting Date
23	Pic X(1)	Experience Method
24-25	Pic X(2)	State Identifier
26	Pic X(1)	Line of Business
27	Pic X(1)	Form Type
28-33	Pic X(6)	Class
34-38	Pic 9(5)	Zip Code
39-40	Pic 9(2)	Statistical Data Year
41	Pic X(1)	Sign Field
42-53	Pic 9(12)	Exposure
54	Pic X(1)	N/A (Zero-fill)
55-66	Pic 9(12)	N/A (Zero-fill)
67	Pic X(1)	N/A (Zero-fill)
68-79	Pic 9(12)	N/A (Zero-fill)
80	Pic X(1)	Sign Field
81-92	Pic 9(12)	*BI Written Premium
93	Pic X(1)	Sign Field
94-105	Pic 9(12)	*BI Earned Premium
106	Pic X(1)	Sign Field
107-118	Pic 9(12)	PD Written Premium
119	Pic X(1)	Sign Field
120-131	Pic 9(12)	PD Earned Premium
132	Pic X(1)	Sign Field
133-144	Pic 9(12)	*UM Written Premium
145	Pic X(1)	Sign Field
146-157	Pic 9(12)	*UM Earned Premium

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

**\*Note:** Medical payments premium shall be included with the BI premiums reported. Single limit policies shall have all premium reported in the BI premium element. UM premium should be split when possible; however, for a period not to exceed three (3) years from the effective date of this Part, advisory organizations reporting on behalf of insurance companies may report UM premium as a separate record using only the line of business indicator and as an aggregate for the whole of the State of Illinois.

## Record Format - Premium (Personal Auto) Physical Damage

Column #	Picture	Clause
----------	---------	--------

Value
-------

1-5	Pic X(5)	NAIC Number
6-8	Pic X(3)	NAIC Group #
9-17	Pic X(9)	FEIN Number
18	Pic X(1)	Filing Method
19	Pic X(1)	Premium/Loss Indicator
20-22	Pic X(3)	Accounting Date
23	Pic X(1)	Experience Method
24-25	Pic X(1)	State Identifier
26	Pic X(2)	Line of Business
27	Pic X(1)	Form Type
28-33	Pic X(6)	Class
34-38	Pic X(5)	Statistical Data Year
39-40	Pic X(2)	Sign Field
41	Pic X(1)	Exposure
42-53	Pic X(12)	N/A (Zero-fill)
54	Pic X(1)	N/A (Zero-fill)
55-66	Pic X(12)	N/A (Zero-fill)
67	Pic X(1)	N/A (Zero-fill)
68-79	Pic X(12)	N/A (Zero-fill)
80	Pic X(1)	Sign Field
81-92	Pic X(12)	Comp. Written Premium
93	Pic X(1)	Sign Field
94-105	Pic X(12)	Comp. Earned Premium
106	Pic X(1)	Sign Field
107-118	Pic X(12)	Coll. Written Premium
119	Pic X(1)	Sign Field
120-131	Pic X(12)	Coll. Earned Premium
132	Pic X(1)	N/A (Zero-fill)
133-144	Pic X(12)	N/A (Zero-fill)
145	Pic X(1)	N/A (Zero-fill)
146-157	Pic X(12)	N/A (Zero-fill)

## Record Format - Premium (Business Owners)

Column #	Picture	Clause
----------	---------	--------

Value
-------

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

1-5	Pic X(5)	NAIC Number
6-8	Pic X(3)	NAIC Group #
9-17	Pic X(9)	FEIN Number
18	Pic X(1)	Filing Method
19	Pic X(1)	Premium/Loss Indicator
20-22	Pic X(3)	Accounting Date
23	Pic X(1)	Experience Method
24-25	Pic X(2)	State Identifier
26	Pic X(1)	Line of Business
27	Pic X(1)	Form Type
28-33	Pic X(6)	Class
34-38	Pic X(5)	N/A (Zero-fill)
39-40	Pic X(2)	Statistical Data Year
41	Pic X(1)	N/A (Zero-fill)
42-53	Pic X(12)	N/A (Zero-fill)
54	Pic X(1)	Sign Field
55-66	Pic X(12)	Written Premium
67	Pic X(1)	Sign Field
68-79	Pic X(12)	Earned Premium
80	Pic X(1)	N/A (Zero-fill)
81-92	Pic X(12)	N/A (Zero-fill)
93	Pic X(1)	N/A (Zero-fill)
94-105	Pic X(12)	N/A (Zero-fill)
106	Pic X(1)	N/A (Zero-fill)
107-118	Pic X(12)	N/A (Zero-fill)
119	Pic X(1)	N/A (Zero-fill)
120-131	Pic X(12)	N/A (Zero-fill)
132	Pic X(1)	N/A (Zero-fill)
133-144	Pic X(12)	N/A (Zero-fill)
145	Pic X(1)	N/A (Zero-fill)
146-157	Pic X(12)	N/A (Zero-fill)

## Record Format - Premium (Homeowners)

Column #	Picture	Clause
----------	---------	--------

Value
-------

1-5	Pic X(5)	NAIC Number
6-8	Pic X(3)	NAIC Group #
9-17	Pic X(9)	FEIN Number
18	Pic X(1)	Filing Method
19	Pic X(1)	Premium/Loss Indicator
20-22	Pic X(3)	Accounting Date
23	Pic X(1)	Experience Method
24-25	Pic X(2)	State Identifier
26	Pic X(1)	Line of Business
27	Pic X(1)	Form Type



## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

Column #	Picture Clause	Value
28-33	Pic X(6)	Class
34-38	Pic 9(5)	Zip Code
39-40	Pic 9(2)	Statistical Data Year
41	Pic X(1)	Sign Field
42-53	Pic 9(12)	Exposure
54	Pic X(1)	Sign Field
55-66	Pic 9(12)	Written Premium
67	Pic X(1)	Sign Field
68-79	Pic 9(12)	Earned Premium
80	Pic X(1)	N/A (Zero-fill)
81-92	Pic 9(12)	N/A (Zero-fill)
93	Pic X(1)	N/A (Zero-fill)
94-105	Pic 9(12)	N/A (Zero-fill)
106	Pic X(1)	N/A (Zero-fill)
107-118	Pic 9(12)	N/A (Zero-fill)
119	Pic X(1)	N/A (Zero-fill)
120-131	Pic 9(12)	N/A (Zero-fill)
132	Pic X(1)	N/A (Zero-fill)
133-144	Pic 9(12)	N/A (Zero-fill)
145	Pic X(1)	N/A (Zero-fill)
146-157	Pic 9(12)	N/A (Zero-fill)
Record Format - Premium (Excess Insurance)		
Column #	Picture Clause	Value
1-5	Pic X(5)	NAIC Number
6-8	Pic X(3)	NAIC Group #
9-17	Pic X(9)	FEIN Number
18	Pic X(1)	Filing Method
19	Pic X(1)	Premium/Loss Indicator
20-22	Pic X(3)	Accounting Date
23	Pic X(1)	Experience Method
24-25	Pic X(2)	State Identifier
26	Pic X(1)	Line of Business
27	Pic X(1)	Form Type
28-33	Pic X(6)	Class
34-38	Pic 9(5)	N/A (Zero-fill)
39-40	Pic 9(2)	Statistical Data Year
41	Pic X(1)	N/A (Zero-fill)
42-53	Pic 9(12)	N/A (Zero-fill)
54	Pic X(1)	Sign Field
55-66	Pic 9(12)	Written Premium
67	Pic X(1)	Sign Field
68-79	Pic 9(12)	Earned Premium
80	Pic X(1)	N/A (Zero-fill)
81-92	Pic 9(12)	N/A (Zero-fill)
93	Pic X(1)	N/A (Zero-fill)

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

94-105	Pic 9(12)	N/A (Zero-fill)
106	Pic X(1)	N/A (Zero-fill)
107-118	Pic 9(12)	N/A (Zero-fill)
119	Pic X(1)	N/A (Zero-fill)
120-131	Pic 9(12)	N/A (Zero-fill)
132	Pic X(1)	N/A (Zero-fill)
133-144	Pic 9(12)	N/A (Zero-fill)
145	Pic X(1)	N/A (Zero-fill)
146-157	Pic 9(12)	N/A (Zero-fill)
Record Format - Loss (General Liability)		
Column #	Picture Clause	Value
1-5	Pic X(5)	NAIC Number
6-8	Pic X(3)	NAIC Group #
9-17	Pic X(9)	FEIN Number
18	Pic X(1)	Filing Method
19	Pic X(1)	Premium/Loss Indicator
20-22	Pic X(3)	Accounting Date
23	Pic X(1)	Experience Method
24-25	Pic X(2)	State Identifier
26	Pic X(1)	Line of Business
27	Pic X(1)	Form Type
28-33	Pic X(6)	Class
34-35	Pic 9(2)	Statistical Data Year
36	Pic X(1)	N/A (Zero-fill)
37	Pic X(1)	Sign Field
38-49	Pic 9(12)	Paid Loss
50	Pic X(1)	Sign Field
51-62	Pic 9(12)	Outstanding Loss
63	Pic X(1)	Sign Field
64-75	Pic 9(12)	Paid Allocated Loss Expense
76	Pic X(1)	Sign Field
77-88	Pic 9(12)	O/S Allocated Loss Expense
89	Pic X(1)	Sign Field
90-97	Pic 9(8)	Paid #
98	Pic X(1)	Sign Field
99-106	Pic 9(8)	O/S #
107-157	Pic X(51)	N/A (Zero-fill)
Record Format - Loss (Medical Malpractice)		
Column #	Picture Clause	Value
1-5	Pic X(5)	NAIC Number
6-8	Pic X(3)	NAIC Group #
9-17	Pic X(9)	FEIN Number

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

18	Pic X(1)	Filing Method
19	Pic X(1)	Premium/Loss Indicator
20-22	Pic X(3)	Accounting Date
23	Pic X(1)	Experience Method
24-25	Pic X(2)	State Identifier
26	Pic X(1)	Line of Business
27	Pic X(1)	Form Type
28-33	Pic X(6)	Class
34-35	Pic 9(2)	Statistical Data Year
36	Pic X(1)	N/A (Zero-fill)
37	Pic X(1)	Sign Field
38-49	Pic 9(12)	Paid Loss
50	Pic X(1)	Sign Field
51-62	Pic 9(12)	Outstanding Loss
63	Pic X(1)	Sign Field
64-75	Pic 9(12)	Paid Allocated Loss Expense
76	Pic X(1)	Sign Field
77-88	Pic 9(12)	O/S Allocated Loss Expense
89	Pic X(1)	Sign Field
90-97	Pic 9(8)	Paid #
98	Pic X(1)	Sign Field
99-106	Pic 9(8)	O/S #
107-157	Pic X(51)	N/A (Zero-fill)

Record Format - Loss (Commercial Auto)

Column #	Picture Clause	Value
1-5	Pic X(5)	NAIC Number
6-8	Pic X(3)	NAIC Group #
9-17	Pic X(9)	FEIN Number
18	Pic X(1)	Filing Method
19	Pic X(1)	Premium/Loss Indicator
20-22	Pic X(3)	Accounting Date
23	Pic X(1)	Experience Method
24-25	Pic X(2)	State Identifier
26	Pic X(1)	Line of Business
27	Pic X(1)	Form Type
28-33	Pic X(6)	Class
34-35	Pic 9(2)	Statistical Data Year
36	Pic X(1)	Type of Loss
37	Pic X(1)	Sign Field
38-49	Pic 9(12)	*Paid Loss
50	Pic X(1)	Sign Field
51-62	Pic 9(12)	*Outstanding Loss
63	Pic X(1)	Sign Field
64-75	Pic 9(12)	Paid Allocated Loss Expense
76	Pic X(1)	Sign Field

\*Note: Allocated loss adjustment expense may be included in paid and outstanding losses.

Record Format - Loss (Business Owners)

Column # Picture Clause Value

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

77-88	Pic 9(12)	O/S Allocated Loss Expense
89	Pic X(1)	Sign Field
90-97	Pic 9(8)	Paid #
98	Pic X(1)	Sign Field
99-106	Pic 9(8)	O/S #
107-157	Pic X(51)	N/A (Zero-fill)

\*Note: Allocated loss adjustment expense may be included in paid and outstanding losses.

Record Format - Loss (Personal Auto)

Column #	Picture Clause	Value
1-5	Pic X(5)	NAIC Number
6-8	Pic X(3)	NAIC Group #
9-17	Pic X(9)	FEIN Number
18	Pic X(1)	Filing Method
19	Pic X(1)	Premium/Loss Indicator
20-22	Pic X(3)	Accounting Date
23	Pic X(1)	Experience Method
24-25	Pic X(2)	State Identifier
26	Pic X(1)	Line of Business
27	Pic X(1)	Form Type
28-33	Pic X(6)	Class
34-35	Pic 9(2)	Statistical Data Year
36	Pic X(1)	Type of Loss
37	Pic X(1)	Sign Field
38-49	Pic 9(12)	*Paid Loss
50	Pic X(1)	Sign Field
51-62	Pic 9(12)	*Outstanding Loss
63	Pic X(1)	Sign Field
64-75	Pic 9(12)	Paid Allocated Loss Expense
76	Pic X(1)	Sign Field
77-88	Pic 9(12)	O/S Allocated Loss Expense
89	Pic X(1)	Sign Field
90-97	Pic 9(8)	Paid #
98	Pic X(1)	Sign Field
99-106	Pic 9(8)	O/S #
107-157	Pic X(51)	N/A (Zero-fill)

\*Note: Allocated loss adjustment expense may be included in paid and outstanding losses.

Record Format - Loss (Business Owners)

Column # Picture Clause Value

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

Column #	Picture Clause	Value
1-5	Pic X(5)	NAIC Number
6-8	Pic X(3)	NAIC Group #
9-17	Pic X(9)	FEIN Number
18	Pic X(1)	Filing Method
19	Pic X(1)	Premium/Loss Indicator
20-22	Pic X(3)	Accounting Date
23	Pic X(1)	Experience Method
24-25	Pic X(2)	State Identifier
26	Pic X(1)	Line of Business
27	Pic X(1)	Form Type
28-33	Pic X(6)	Class
34-35	Pic X(2)	Statistical Data Year
36	Pic X(1)	N/A (Zero-fill)
37	Pic X(1)	Sign Field
38-49	Pic X(12)	*Paid Loss
50	Pic X(1)	Sign Field
51-62	Pic X(12)	*Outstanding Loss
63	Pic X(1)	Sign Field
64-75	Pic X(12)	Paid Allocated Loss Expense
76	Pic X(1)	Sign Field
77-88	Pic X(12)	O/S Allocated Loss Expense
89	Pic X(1)	Sign Field
90-97	Pic X(8)	Paid #
98	Pic X(1)	Sign Field
99-106	Pic X(8)	Sign Field
107-157	Pic X(51)	O/S #
		N/A (Zero-fill)

Record Format - Loss (Homeowner)

Column # Picture Clause Value

1-5	Pic X(5)	NAIC Number
6-8	Pic X(3)	NAIC Group #
9-17	Pic X(9)	FEIN Number
18	Pic X(1)	Filing Method
19	Pic X(1)	Premium/Loss Indicator
20-22	Pic X(3)	Accounting Date
23	Pic X(1)	Experience Method
24-25	Pic X(2)	State Identifier
26	Pic X(1)	Line of Business
27	Pic X(1)	Form Type
28-33	Pic X(6)	Class
34-35	Pic X(2)	Statistical Data Year
36	Pic X(1)	N/A (Zero-fill)
37	Pic X(1)	Sign Field
38-49	Pic X(12)	Paid Loss
50	Pic X(1)	Sign Field
51-62	Pic X(12)	Outstanding Loss

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

63	Pic X(1)	N/A (Zero-fill)
64-75	Pic X(12)	N/A (Zero-fill)
76	Pic X(1)	N/A (Zero-fill)
77-88	Pic X(12)	N/A (Zero-fill)
89	Pic X(1)	Sign Field
90-97	Pic X(8)	Paid #
98	Pic X(1)	Sign Field
99-106	Pic X(8)	O/S #
107-157	Pic X(51)	N/A (Zero-fill)

Record Format - Loss (Excess Insurance)

Column # Picture Clause Value

1-5	Pic X(5)	NAIC Number
6-8	Pic X(3)	NAIC Group #
9-17	Pic X(9)	FEIN Number
18	Pic X(1)	Filing Method
19	Pic X(1)	Premium/Loss Indicator
20-22	Pic X(3)	Accounting Date
23	Pic X(1)	Experience Method
24-25	Pic X(2)	State Identifier
26	Pic X(1)	Line of Business
27	Pic X(1)	Form Type
28-33	Pic X(6)	Class
34-35	Pic X(2)	Statistical Data Year
36	Pic X(1)	N/A (Zero-fill)
37	Pic X(1)	Sign Field
38-49	Pic X(12)	*Paid Loss
50	Pic X(1)	Sign Field
51-62	Pic X(12)	*Outstanding Loss
63	Pic X(1)	Sign Field
64-75	Pic X(12)	Paid Allocated Loss Expense
76	Pic X(1)	Sign Field
77-88	Pic X(12)	O/S Allocated Loss Expense
89	Pic X(1)	Sign Field
90-97	Pic X(8)	Paid #
98	Pic X(1)	Sign Field
99-106	Pic X(8)	O/S #
107-157	Pic X(51)	N/A (Zero-fill)

\*Note: Allocated loss adjustment expense may be included in paid and outstanding losses.

(Source: Amended at 19 Ill. Reg. 15625, effective NOV 7 1995)



## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

## Section 6602. APPENDIX H MEDICAL MALPRACTICE CLASS/CLASS GROUPS

## MEDICAL MALPRACTICE

Not in active United States military service and not otherwise employed full time by the Federal Government. The exposure base for all classes is number of person months.

Category	Class Code	Description
a) <u>Dentists</u>		
Oral Surgery Using Anesthesia	80210	Dentists
		This class applies to any dentist engaged in oral surgery or operative dentistry on patients rendered unconscious through the administering of any anesthesia or analgesia.
Oral Surgery Not Using Anesthesia All Other	80211	Dentists - Not Otherwise Classified
b) <u>Physicians and Surgeons</u>		
General Practitioner (Family Practice)	MD 80420 DO 84420	Medical Doctor Doctor of Osteopaths Family Physicians or General Practitioners - no surgery
	MD 80421 DO 84421	Family Physicians or General Practitioner - minor surgery
	MD 80117	Surgery - general practice or family practice
Obstetrics/Gynecology - Surgery	MD 80167 DO 84167	Surgery - gynecology
	MD 80168	Surgery - obstetrics
	MD 80153	Surgery - obstetrics - gynecology

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

## Section 6602. APPENDIX H MEDICAL MALPRACTICE CLASS/CLASS GROUPS

## MEDICAL MALPRACTICE

Not in active United States military service and not otherwise employed full time by the Federal Government. The exposure base for all classes is number of person months.

Category	Class Code	Description
a) <u>Dentists</u>		
Oral Surgery Using Anesthesia	80210	Dentists
		This class applies to any dentist engaged in oral surgery or operative dentistry on patients rendered unconscious through the administering of any anesthesia or analgesia.
Oral Surgery Not Using Anesthesia All Other	80211	Dentists - Not Otherwise Classified
b) <u>Physicians and Surgeons</u>		
General Practitioner (Family Practice)	MD 80420 DO 84420	Medical Doctor Doctor of Osteopaths Family Physicians or General Practitioners - no surgery
	MD 80421 DO 84421	Family Physicians or General Practitioner - minor surgery
	MD 80117	Surgery - general practice or family practice
Obstetrics/Gynecology - Surgery	MD 80167 DO 84167	Surgery - gynecology
	MD 80168	Surgery - obstetrics
	MD 80153	Surgery - obstetrics - gynecology

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

## Section 6602. APPENDIX H MEDICAL MALPRACTICE CLASS/CLASS GROUPS

## MEDICAL MALPRACTICE

Not in active United States military service and not otherwise employed full time by the Federal Government. The exposure base for all classes is number of person months.

Category	Class Code	Description
a) <u>Dentists</u>		
Oral Surgery Using Anesthesia	80210	Dentists
		This class applies to any dentist engaged in oral surgery or operative dentistry on patients rendered unconscious through the administering of any anesthesia or analgesia.
Oral Surgery Not Using Anesthesia All Other	80211	Dentists - Not Otherwise Classified
b) <u>Physicians and Surgeons</u>		
General Practitioner (Family Practice)	MD 80420 DO 84420	Medical Doctor Doctor of Osteopaths Family Physicians or General Practitioners - no surgery
	MD 80421 DO 84421	Family Physicians or General Practitioner - minor surgery
	MD 80117	Surgery - general practice or family practice
Obstetrics/Gynecology - Surgery	MD 80167 DO 84167	Surgery - gynecology
	MD 80168	Surgery - obstetrics
	MD 80153	Surgery - obstetrics - gynecology

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Vascular Surgery	DO 84156	Classified
	MD 80155	Surgery - plastic -
	DO 84155	otorhinolaryngology
	MD 80146	Surgery - vascular
Thoracic Surgery	MD 80144	Surgery - thoracic
	DO 84144	

Category	Class Code	Description & Exposure Base
c) Hospitals		Hospitals - not otherwise classified
		For-Profit
	80611	Per bed exposure base
	80610	Per 100 outpatient visits exposure base
		Not-For-Profit
	80612	Per bed exposure base
	80617	Per 100 outpatient visits exposure base
		Governmental
	93215	Per bed exposure base
	93216	Per 100 outpatient visits exposure base
		Osteopathic
	84965	Per bed exposure base
	84966	Per 100 outpatient visits exposure base
d) Other Health Care Providers	80999	N/R

An aggregate total of all health care provider classes (other than physicians, surgeons and dentists) not included in categories (a) and (b).

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

e) Other Health Care Facilities	80998	N/R
---------------------------------	-------	-----

An aggregate total of all health care facility classes (other than hospitals) not included in category (c).

MEDICAL MALPRACTICE

Individual insurer programs that are not rated and coded in accordance with the attached class definitions shall be reported using the following codes:

Code	Descriptions	Exposure Base
90410	Hospitals	N/R
90430	Physicians, Surgeons and Dentists	N/R
90999	All other Medical Malpractice Classes	N/R

(Source: Amended NOV 7 1995 19 Ill. Reg. 15653, effective )

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

Section 6602.APPENDIX I COMMERCIAL AUTOMOBILE LIABILITY CLASS GROUPS -  
EXCLUDING PERSONAL INJURY PROTECTION (PIPS)COMMERCIAL AUTOMOBILE LIABILITY

## Voluntary Business Only

- a) Fleet and non-fleet combined trucks, tractors and trailers - Zone
- 
- rated

Classification CodeExposure Base1a Car Months ~~Years~~  
1b Receipts  
1c # of miles

- b) Fleet and non-fleet combined trucks, tractors and trailers - All other
- 
- regardless of mileage

Classification CodeExposure Base2a Car Months ~~Years~~

- c) Fleet and non-fleet combined taxicabs and public livery - regardless
- 
- of mileage, including limousines

Classification CodeExposure Base3a Car Months ~~Years~~  
3b Receipts  
3c # of miles

- d) Fleet and non-fleet combined school buses - regardless of mileage

Classification CodeExposure Base4a Car Months ~~Years~~

- e) Fleet and non-fleet combined other public buses - regardless of
- 
- mileage and zone rated (includes transportation of athletes and
- 
- entertainers, social service automobiles and van pools)

Classification CodeExposure Base5a Car Months ~~Years~~  
5b Receipts  
5c # of miles

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

COMMERCIAL AUTOMOBILE LIABILITY

## Voluntary Business Only

- f) Automobile Dealers

Classification CodeExposure Base

6a

Rating Unit Years

- g) Service Operations or Trailer Sales

Classification CodeExposure Base

7a

Payroll

- h) All Other Commercial Auto Classes

Classification CodeExposure Base

8a

N/R

(Source: Amended at 19 Ill. Reg.

15625,

NOV 7 1995)

effective



DEPARTMENT OF INSURANCE  
NOTICE OF ADOPTED AMENDMENTS

Section 6602.APPENDIX L HOMEOWNER CLASSIFICATIONS

Homeowners

Voluntary Business Only

Homeowner coverages shall be classed and reported as follows:

Homeowner Package	Code	Exposure Base
HO-1	1	House Months Years
HO-2	2	House Months Years
HO-3	3	House Months Years
HO-4	4	House Months Years
HO-5	5	House Months Years
HO-6	6	House Months Years
HO-8	8	House Months Years

Residential Fire Code9 Exposure BaseHouse-Years

Building or Building & Contents 9A House Months

Contents Only 9B House Months

Building Only 9C House Months

Endorsement Code Exposure Base

Home Day Care (HO-323) 323 N/R

(Liability Only)

Business Pursuits 71 N/R

(HO-71) (Liability Only)

\*Note: Residential fire policies subject to reporting for Code 9A are non-commercial forms, insuring buildings having 1-4 units, where one (1) of the units is owner occupied. Code 9C should be used to report residential fire policies on non-owner occupied buildings.

(Source: Amended at 19 Ill. Reg. 15625, effective NOV 7 1995)

DEPARTMENT OF INSURANCE  
NOTICE OF ADOPTED AMENDMENTS

Section 6602.APPENDIX J PRIVATE PASSENGER AUTO CLASSIFICATIONS

Private Passenger Auto

Voluntary Business Only

Classification Code Exposure Base

Private Passenger Auto Liability (Excluding PIPS) 191 Car Months Years (Bodily Injury)

Private Passenger Auto Physical Damage 211 Car Months Years (Comprehensive)

(Source: Amended at 19 Ill. Reg. 15625, effective NOV 7 1995)

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Transitional Requirements for the Conversion of Medicare Supplement Insurance Benefits and Premiums to Conform to Medicare Program Revisions

2) Code Citation: 50 Ill. Adm. Code 2011

3) Section Number: Adopted Action:

2011.10	Repealed
2011.20	Repealed
2011.30	Repealed
2011.40	Repealed
2011.45	Repealed
2011.50	Repealed
2011.60	Repealed
2011.70	Repealed

## Appendix A

- 4) Statutory Authority: Implementing and authorized by Sections 363 and 363a of the Illinois Insurance Code [215 ILCS 5/363 and 5/363a].

5) Effective Date of Repealer: November 6, 1995

6) Does this Repealer contain an automatic repeal date? No

7) Does this Repealer contain incorporations by reference? No

8) Date filed in Agency's Principal Office: November 6, 1995

9) Notice of Proposal Published in Illinois Register:

June 23, 1995, 19 Ill. Reg. 8032

10) Has JCAR issued a Statement of Objections to this Repealer? No

11) Difference(s) between proposal and final version: Added "(Repealed)" following the title of this Part.

12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this Repealer replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of rulemaking: Part 2011 was initially promulgated to ease the transition into the medicare requirements under Part 2008. Part 2008 is now in place, therefore, Part 2011 is no longer needed.

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED REPEALER

- 16) Information and questions regarding this adopted Repealer shall be directed to:

Denise Fuchs  
Rules Unit Supervisor  
Department of Insurance  
320 West Washington  
Springfield, Illinois 62767-0001  
(217) 785-8560

The full text of the Adopted Repealer begins on the next page.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Aid to Families With Dependent Children

2) Code Citation: 89 Ill. Adm. Code 112

3) Section Numbers: Adopted Action:

112.8 Amendment  
112.300 Amendment  
112.306 Amendment  
112.308 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13].

5) Effective Date of Amendments: November 3, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: November 3, 1995

9) Notice of Proposal Published in Illinois Register: July 14, 1995 (19 Ill. Reg. 9376)

10) Has JCRC issued a Statement of Objections to these Adopted Amendments? No

11) Differences between proposal and final version: The following changes were made in the text of the proposed amendments:

1. In Section 112.8(b)(4)(D), "great-aunt" was hyphenated.
2. In Section 112.8(b)(7), "subsection" was pluralized and "thru" was changed to "through".
3. In Section 112.8(d), "separated" was changed to "separate".
4. In Section 112.300(a)(2), "i.e." was stricken and was replaced by "that is".
5. In Section 112.300(f), "(s)" was replaced by "or relatives" and the comma after "AFDC" was deleted.
6. In Section 112.306(c)(2), "a licensed" was changed to "licensed".
7. In Section 112.308(b), an underlined colon was added after "The amounts are".

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

No other changes have been made in the text of the proposed amendments.

12) Have all the changes agreed upon by the agency and JCRC been made as indicated in the agreement letter issued by JCRC? Yes

13) Will these Amendments replace Emergency Amendments currently in effect? Yes

14) Are there any Amendments pending on this Part? Yes

Sections Proposed Action Illinois Register Citation

112.65	Amendment	September 15, 1995 (19 Ill. Reg. 12927)
112.70	Amendment	October 13, 1995 (19 Ill. Reg. 14292)
112.71	Amendment	August 18, 1995 (19 Ill. Reg. 11773)
112.71	Amendment	October 13, 1995 (19 Ill. Reg. 14292)
112.72	Amendment	October 13, 1995 (19 Ill. Reg. 14292)
112.73	Amendment	August 18, 1995 (19 Ill. Reg. 11773)
112.74	Amendment	October 13, 1995 (19 Ill. Reg. 14292)
112.76	Amendment	October 13, 1995 (19 Ill. Reg. 14292)
112.77	Amendment	October 13, 1995 (19 Ill. Reg. 14292)
112.78	Amendment	October 13, 1995 (19 Ill. Reg. 14292)
112.79	Amendment	October 13, 1995 (19 Ill. Reg. 14292)
112.251	Amendment	July 21, 1995 (19 Ill. Reg. 10363)
112.252	Amendment	July 21, 1995 (19 Ill. Reg. 10363)
112.253	Amendment	July 21, 1995 (19 Ill. Reg. 10363)
112.254	Amendment	July 21, 1995 (19 Ill. Reg. 10363)
112.303	Amendment	October 6, 1995 (19 Ill. Reg. 13759)

15) Summary and Purpose of Amendments: In cooperation with the Department of Children and Family Services, the Department of Public Aid is revising AFDC policy regarding children under DCFS guardianship who are placed with relatives not licensed for foster care. Such children will be eligible for an AFDC monthly special needs allowance of \$75. As a result of these amendments, a child under DCFS guardianship who has been placed in the home of a relative not licensed for foster care may receive medical assistance under AFDC-F and financial assistance under AFDC-R. A child who lives with a parent receiving AFDC-F may also receive AFDC-F.

This rulemaking provides that when a dependent child lives with a parent, that parent is designated as the caretaker relative except as follows:

1. another relative in the home will be the caretaker relative if DCFS has placed the child with the relative; or
2. the relative has assumed responsibility for the child due to the parent's inability to adequately care for the child.



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

This rulemaking is also being made to allow a caretaker relative to have one case for themselves and their own children and a second case for other related children. The definition of specified relatives is also being placed in the rules.

Related amendments were also proposed to 89 Ill Adm. Code 101.20, 101.30 and 101.40.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Judy Umunna  
Bureau of Rules and Regulations  
Illinois Department of Public Aid  
100 South Grand Avenue East, Third Floor  
Springfield, Illinois 62762  
(217) 524-3215

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS

## PART 112

AID TO FAMILIES WITH DEPENDENT CHILDREN

## SUBPART A: GENERAL PROVISIONS

Section  
112.1  
112.5

Description of the Assistance Program  
Incorporation by Reference

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section  
112.8  
112.9  
112.10  
112.20  
112.30  
112.40  
112.50  
112.52  
112.54  
112.60  
112.61  
112.62  
112.63  
112.64  
112.67

Caretaker Relative  
Client Cooperation  
Citizenship  
Residence  
Age  
Relationship  
Living Arrangement  
Social Security Numbers  
Assignment of Medical Support Rights  
Lack of Parental Support or Care  
Death of a Parent  
Incapacity of a Parent  
Continued Absence of a Parent  
Unemployment of the Parent  
Restriction in Payment to Households Headed by a Minor Parent

## SUBPART C: JOB OPPORTUNITIES AND BASIC SKILLS TRAINING (JOBS) PROGRAM

Section  
112.70  
112.71  
112.72  
112.73  
  
112.74  
112.76  
112.77  
112.78  
112.79  
112.80  
112.81  
112.82  
112.83  
112.84

Participation Requirements for JOBS  
Individuals Exempt from JOBS  
JOBS Participation/Cooperation Requirements  
Failure to Participate with the Work Incentive Demonstration Program (Renumbered)  
JOBS Initial Assessment Process/Development of an Employability Plan  
JOBS Orientation  
Conciliation and Fair Hearings  
JOBS Components  
JOBS Sanctions  
Good Cause for Failure to Comply with JOBS Participation Requirements  
Responsible Relative Eligibility for JOBS  
JOBS Supportive Services  
Young Parents Program  
Work Experience Evaluation Project

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## 112.85 Four Year College/Vocational Training Demonstration Project

## SUBPART E: PROJECT ADVANCE

Section	
112.86	Project Advance
112.87	Project Advance Experimental and Control Groups
112.88	Project Advance Participation Requirements of Experimental Group
	Members and Adjudicated Fathers
112.89	Project Advance Cooperation Requirements of Experimental Group
	Members and Adjudicated Fathers
112.90	Project Advance Sanctions
112.91	Good Cause for Failure to Comply with Project Advance
112.93	Individuals Exempt From Project Advance
112.95	Project Advance Supportive Services

## SUBPART F: EXCHANGE PROGRAM

## Section

112.98 Exchange Program

## SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

## Section

112.100	Unearned Income
112.101	Unearned Income of Stepparent or Parent
112.105	Budgeting Unearned Income
112.106	Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision
112.107	Initial Receipt of Unearned Income
112.108	Termination of Unearned Income
112.110	Exempt Unearned Income
112.115	Education Benefits
112.120	Incentive Allowances
112.125	Unearned Income In-Kind
112.126	Earmarked Income
112.127	Lump Sum Payments
112.128	Protected Income
112.130	Earned Income
112.131	Earned Income Tax Credit
112.132	Budgeting Earned Income
112.133	Budgeting Earned Income of Applicants Employed On Date of Application And/Or Date Of Decision
112.134	Initial Employment
112.135	Budgeting Earned Income For Contractual Employees
112.136	Budgeting Earned Income For Non-Contractual School Employees
112.137	Termination of Employment
112.138	Transitional Payments (Repealed)
112.140	Exempt Earned Income

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

112.141	Earned Income Exemption
112.142	Exclusion From Earned Income Exemption
112.143	Recognized Employment Expenses
112.144	Income From Work/Study/Training Program
112.145	Earned Income From Self-Employment
112.146	Earned Income From Roomer and Boarder
112.147	Income From Rental Property
112.148	Payments from the Illinois Department of Children and Family Services
112.149	Earned Income In-Kind
112.150	Assets
112.151	Exempt Assets
112.152	Asset Disregards
112.153	Deferral of Consideration of Assets
112.154	Property Transfers (Repealed)
112.155	AFDC Income Limit

## SUBPART H: PAYMENT AMOUNTS

## Section

112.250	Grant Levels
112.251	Payment Levels in AFDC
112.252	Payment Levels in AFDC Group I Counties
112.253	Payment Levels in AFDC Group II Counties
112.254	Payment Levels in AFDC Group III Counties

## SUBPART I: OTHER PROVISIONS

## Section

112.300	Persons Who May Be Included in the Assistance Unit
112.301	Presumptive Eligibility
112.302	Monthly Reporting
112.303	Retrospective Budgeting
112.304	Budgeting Schedule
112.305	Strikers
112.306	Foster Care Program
112.307	Responsibility of Sponsors of Aliens
112.308	Special Needs Authorizations
112.309	Institutional Status
112.315	Young Parent Program (Renumbered)
112.320	Redetermination of Eligibility
112.330	Extension of Medical Assistance Due to Increased Income from Employment
112.331	Four Month Extension of Medical Assistance Due to Child Support Collections
112.332	Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
112.340	New Start Payments to Individuals Released from Department of Corrections Facilities

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART J: CHILD CARE

Section	
112.350	Child Care
112.352	Child Care Eligibility
112.352	Qualified Provider
112.354	Notification of Available Services
112.358	Participant Rights and Responsibilities
112.362	Additional Service to Secure or Maintain Child Care Arrangements
112.364	Rates of Payment for Child Care
112.366	Method of Providing Child Care
112.370	Non-JOBS Education and Training Program

## SUBPART K: TRANSITIONAL CHILD CARE

Section	
112.400	Transitional Child Care Eligibility
112.404	Duration of Eligibility for Transitional Child Care
112.406	Loss of Eligibility for Transitional Child Care
112.408	Qualified Child Care Providers
112.410	Notification of Available Services
112.412	Participant Rights and Responsibilities
112.414	Child Care Overpayments and Recoveries
112.416	Fees for Service for Transitional Child Care
112.418	Rates of Payment for Transitional Child Care

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8,

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill.



DEPARTMENT OF PUBLIC AID  
NOTICE OF ADOPTED AMENDMENTS

Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 13650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 844, effective January 1, 1988; SUBPARTS C, D and E recodified to 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS G, H and I at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 19, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567,

DEPARTMENT OF PUBLIC AID  
NOTICE OF ADOPTED AMENDMENTS

effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective

NOV 3 1995

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

a) The caretaker relative is the specified relative with whom the child is living. When a dependent child lives with a parent, that parent shall be designated as the caretaker relative except as follows:

- 1) another relative in the home shall be the caretaker relative if DCFS has placed the child with the relative; or
- 2) the relative has assumed responsibility for the child due to the parent's inability to adequately care for the child.

b) Specified relatives are the following blood and adoptive relatives:

- 1) First Degree of Relationship:

A) father; or  
B) mother.

- 2) Second Degree of Relationship:

A) brother;  
B) sister;  
C) grandfather; or  
D) grandmother.

- 3) Third Degree of Relationship:

A) great-grandfather;  
B) great-grandmother;  
C) uncle;  
D) aunt;  
E) nephew; or  
F) niece.

- 4) Fourth Degree of Relationship:

A) great-great-grandfather;  
B) great-great-grandmother;  
C) great-uncle;  
D) great-aunt;  
E) first cousin;  
F) great-niece; or  
G) great-nephew.

- 5) Fifth Degree of Relationship:

A) great-great-great-grandfather;  
B) great-great-great-grandmother;  
C) great-great-uncle;  
D) great-great-aunt;  
E) first cousin once removed;  
F) second cousin;  
G) great-great-niece; or  
H) great-great-nephew.

- 6) Step-Relatives:

A) step-father;  
B) step-mother;  
C) step-brother; or  
D) step-sister.

- 7) Person who is or has been married to one of the relatives listed in subsections (b)(1) through (6) above.

c) Every AFDC-R and AFDC-U case shall have one person designated as the

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

caretaker relative. The caretaker relative does not have to meet a minimum or a maximum age requirement. If and if the caretaker relative is included in the assistance unit, this person shall no longer be considered an adult. A dependent child--No person shall serve as caretaker relative for more than one AFDC grant case at the same time--except for an AFDC-U parent--whose child's eligibility is based on the lack of parental support or care of that child--other parent.

- d) One person may be the caretaker relative for two separate AFDC financial assistance units only as follows:

1) The person, his or her child or children, siblings and the child or children's other parent (or an essential person) shall receive AFDC in one assistance unit; and

2) A separate assistance unit shall be established when the person is also caretaker relative for other related children (for whom the person is not a parent). The second assistance unit must also contain an eligible parent or parents and siblings of the child or children in the unit.

except An exception to the above shall occur when a specified relative is no longer immediately available to act as a caretaker relative, for children already receiving cash benefits, in this situation, another person may serve as a Temporary Caretaker for a period not to exceed 90 days. "Living with" requirements of the child or children childrent are the same as with a caretaker relative. The Temporary Caretaker will not be included in the assistance unit.

(Source: Amended at 19 Ill. Reg. 7566.1, effective NOV 3 1995)

## SUBPART I: OTHER PROVISIONS

## Section 112.300 Persons Who May Be Included in the Assistance Unit

- a) The assistance unit must include at least one eligible child.

1) No more than two of the following individuals may also be included as adults:

A) The caretaker relative;

B) The parent of an eligible child;

C) The spouse of the caretaker relative if the caretaker relative is a parent of one of the children and the spouse lives in the home; or

D) A needy relative other than the caretaker relative whose presence is essential in the home to provide care for the eligible children.

2) An individual is defined as needy if the individual's income minus employment deductions, if appropriate, is less than a "per person" grant amount (that is, payment level divided by the



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

- number in the assistance unit, including the essential person).
- b) In order for an assistance unit to be eligible, an application with respect to a dependent child must also include, if living in the same household and otherwise eligible for assistance:
- 1) Any legal natural or adoptive parent of the dependent child; and
  - 2) Any blood-related or adoptive brother or sister of the dependent child.

- c) The eligibility of a child in an assistance unit depends on that child's lack of parental support or care.

- 1) All eligible dependent children who are blood-related or adoptive blood-related siblings and stepchildren in a family unit shall be included in one a--single case.

- 2) Two cases shall be established with the same caretaker relative only as follows:

- A) The caretaker, his or her own children, the children's eligible siblings and other parent (or an essential person) shall be in one assistance unit.

- B) Other related children and their eligible parent or parents and siblings shall be in a second assistance unit.

- d) A pregnant woman, who would be eligible for AFDC when the child is born, may receive assistance as an Adult only. Financial assistance is limited to the last four months of pregnancy.

- e) A pregnant woman who is receiving or is eligible to receive cash assistance as a dependent child in an AFDC case is not eligible for cash assistance as an Adult only pregnant woman.

- f) The caretaker relative or relatives of a child receiving SSI Foster Care Assistance or Adoption Assistance who would otherwise be eligible for AFDC may receive assistance as an Adult only case.

- g) A child on Foster Care Assistance (except Independent Living) and the foster child's own child or children are not eligible for AFDC cash assistance.

(Source: Amended at 19 Ill. Reg. 15661, effective NOV 3 1995)

## Section 112.306 Foster Care Program

- a) A child is eligible for medical assistance under Aid to Families with Dependent Children - Foster Care (AFDC - F) when:

- 1) The child has been removed from the home of a specified relative as a result of court action, is a child for whom DCFS has guardianship and is legally responsible and has been placed by the Department of Children and Family Services (DCFS) in foster care of the home of a relative (foster--care--home--or--private non-profit--group--home----institution--which--is--licensed--or approved--by--the--Department--of--Children--and--Family--Services;

- 2) The child was eligible for and receiving AFDC in or for the month in which court action was initiated leading to placement;

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

- 3) The child met the citizenship, age, residence, need, and lack of parental support or care criteria for AFDC at the time of initiation of court action and lived with a specified relative at any time within the six ~~67~~ months prior to the initiation of court action leading to placement;

- 4) The child continues to meet AFDC eligibility requirements of age, need, lack of parental support or care, and registration/participation requirements; and-

- 5) A child who lives with a parent receiving AFDC-F may also receive AFDC-F.

- b) An application for AFDC-F must be signed by an authorized representative of the Department of Children and Family Services.

- c) Assistance under the AFDC-F program is effective from the latter of the date:

- 1) that a completed application is received by the Department; or
- 2) the child is actually placed in licensed foster care of the home of a relative by DCFS.

- d) A foster parent who is a specified relative of an eligible foster child placed in the foster parent's care may receive assistance for the child under either the AFDC-R/AFDC-U or the AFDC-F program.

(Source: Amended at 19 Ill. Reg. 15661, effective NOV 3 1995)

## Section 112.308 Special Needs Authorizations

The Department will include the special needs listed in subsections (c), (d) and (e) of this Section when determining initial and continued eligibility for AFDC. If the AFDC unit is determined eligible (or presumptively eligible) for an assistance payment, additional payment or payments, it will be authorized upon request of the client and verification of provision of the service in the following circumstances:

- a) A student who is a junior or senior in high school and is included in the assistance unit as an eligible child. The allowance is \$15.00 per quarter payable three times a year.

- b) A therapeutic diet allowance is required for an eligible recipient who is diabetic and the diet is prescribed by a physician. The amounts are:

- 1) Children 17.82 per month
- 2) Adults, less than 1700 calories 7.92 per month
- 3) Adults, 1700 calories or more 17.82 per month

- c) Correction of an underpayment.

- d) A change in mailing date of the regular warrant creates a period of unmet need.

- e) \$75 per month for each child under Department of Children and Family Services' guardianship who lives with a specified relative provided the child has no parent in the home.



DEPARTMENT OF PUBLIC AID  
NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 19 Ill. Reg. **15661**, effective  
**NOV 3 1995**)

DEPARTMENT OF PUBLIC AID  
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: General Administrative Provisions
- 2) Code Citation: 89 Ill. Adm. Code 101
- 3) Section Numbers: Adopted Action:  
101.20 Amendment  
101.30 Amendment  
101.40 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13].
- 5) Effective Date of Rulemaking: November 3, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: November 3, 1995
- 9) Notice of Proposal Published in Illinois Register: July 14, 1995 (19 Ill. Reg. 9378)
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: The following changes were made in the text of the proposed amendments:
  1. In the AUTHORITY, "[305 ILCS 5/Arts. I, II and 12-13]" was changed to "[305 ILCS 5/Arts I and II and 12-13]".
  2. In Section 101.20 in the definition for Dependent Child, "aged" was changed to "age".
  3. In Section 101.20 in the definition for Food Stamp Employment and Training, the hyphen was replaced by a period followed by a quotation mark.
  4. In Section 101.20 in the definition for GA, a "t" was added so that "Assistance" was spelled correctly.
  5. In Section 101.20 in the definition for Intermediate Care Facility, the quotation mark was moved to follow "(ICF)" and "required" was stricken and changed to "require".
  6. In Section 101.20 in the definition for MANG, the semicolon was changed to a dash.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

7. In Section 101.20 in the definition for MANG(C), the semicolon was changed to a dash.

8. In Section 101.20 in the definition for MediPlan Card, "for" was inserted after "pay".

No other changes have been made in the text of the proposed amendments.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? Yes

14) Are there any amendments pending on this Part? Yes

Section Numbers	Adopted Action	Illinois Register Citation
101.21	New Section	July 14, 1995 (19 Ill. Reg. 9378)
15)	Summary and Purpose of Rulemaking: In cooperation with the Department of Children and Family Services, the Department of Public Aid is revising AFDC policy regarding children under DCFS guardianship who are placed with relatives not licensed for foster care. Such children will be eligible for an AFDC monthly special needs allowance of \$75.	
As a result of these amendments, a child under DCFS guardianship who has been placed in the home of a relative not licensed for foster care may receive medical assistance under AFDC-F and financial assistance under AFDC-R. This rulemaking also updates the Section on definitions.		
Related amendments were also proposed to 89 Ill. Adm. Code 112.8, 112.300, 112.306 and 112.308.		

16) Information and questions regarding these adopted amendments shall be directed to:

Judy Umunna  
Bureau of Rule and Regulations  
Illinois Department of Public Aid  
100 South Grand Avenue East, Third Floor  
Springfield, IL 62762  
(217) 524-3215

The full text of the Adopted Amendment begins on the next page:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER a: GENERAL PROVISIONS

## PART 101

## GENERAL ADMINISTRATIVE PROVISIONS

Section	Incorporation By Reference
101.1	Applicability
101.10	Definitions
101.20	Assistance Programs
101.30	Assistance Program Restrictions
101.40	

AUTHORITY: Implementing Articles I and II and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I and II and 12-13].

SOURCE: Filed and effective December 30, 1977; emergency amendment at 2 Ill. Reg. 5, p. 194, effective January 23, 1978, for a maximum of 150 days; emergency amendment at 2 Ill. Reg. 19, p. 108, effective May 1, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 25, p. 50, effective June 24, 1978; amended at 2 Ill. Reg. 33, p. 27, effective August 17, 1978; amended at 3 Ill. Reg. 43, p. 196, effective October 15, 1979; emergency amendment at 4 Ill. Reg. 1, p. 78, effective January 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 23, p. 80, effective May 23, 1980; amended at 5 Ill. Reg. 1369, effective January 29, 1981; peremptory amendments at 5 Ill. Reg. 10072, 10076 and 10079, effective October 1, 1981; amended at 5 Ill. Reg. 12728, effective November 1, 1981; codified at 7 Ill. Reg. 5195; amended at 13 Ill. Reg. 3897, effective March 17, 1989; emergency amendment at 19 Ill. Reg. 10220, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. **15676**, effective **NOV 3 1995**.

## Section 101.20 Definitions

"AABD." Aid to the Aged, Blind or Disabled--financial assistance and medical assistance and social services available to individuals who have been determined to be aged, blind or disabled as defined by the Social Security Administration.

"Adequate Consideration." The receipt of goods, monies or services at least in the amount of the fair market value of the property sold.

"Adult Cases." A case in which no child is included in the assistance unit.

"Adverse Action." Any action which reduces food stamp benefits or terminates participation in the food stamp program within a certification period.

DEPARTMENT OF PUBLIC AID  
NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF PUBLIC AID  
NOTICE OF ADOPTED AMENDMENTS

Blood or adoptive relatives within the fifth degree of kinship:  
Father - Mother  
Brother - Sister  
Grandmother - Grandfather (including up to  
great-great-great)  
Uncle - Aunt (including up to great-great)  
Nephew - Niece (including up to great-great)  
Great-Grandfather---Great-Grandmother  
Great-Uncle---Great-Aunt  
First Cousin  
First Cousin once removed (child of first cousin)  
Second Cousin (child of great-aunt/uncle)

"AFDC." Aid to Families with Dependent Children--financial assistance and medical assistance and social services available to families with one or more dependent children or in behalf of dependent children placed in foster care by the Department of Children and Family Services (DCFS).  
AFDC-P: Medical Assistance for Payment-issued-through-DEPS-for-a-care provided-by-a-licensed-foster-home-or-private-non-profit-institution to an eligible child under DCFS guardianship placed-in-foster-care.  
AFDC-R: Based on the death, absence or incapacity of a parent.  
AFDC-U: Based on unemployment of parent.

Step-Relatives:  
Step-Father - Step-Mother  
Step-Brother - Step-Sister

"Agency Error." An action or inaction of the Department resulting in assistance benefits being furnished to or in behalf of a client for which the client is not eligible.

Person who is or has been married to one of the above relatives.  
Adoptive-Relatives

"AMI."--Aid--to--Medically--Indigent--aid--in--meeting--the--costs--of necessary--medical--care--for--persons--who--are--ineligible--to--receive medical--assistance--through--a--Categorical--or--Federal--Assistance Program--

"Categorical Assistance Programs." AFDC, AABD, and related MANG programs.

"Categorically Eligible." The meeting of all eligibility requirements for a categorical assistance program other than financial needs.

"Certification For Food Stamps." Authorization of eligibility of a household for the food stamp program.

"Certification Period." The period of time for which a household is authorized to participate in the food stamp program.

"Certifying Office." The IDPA local office or General Assistance unit office responsible for certification of food stamp program participants.

"Child and Family Assistance Case." A General Assistance case in which case eligibility is based on pregnancy or the presence of an eligible child.

"CFRA."--The-Comprehensive-Employment-and-Training-Act-

"Client." An applicant or recipient.

"Client Error." A client's mistake, misunderstanding, misrepresentation or concealment of information or failure to report information promptly which results in financial and/or medical assistance being paid to or in behalf of a recipient for which the

"Applicant." An individual requesting assistance by completion of a signed, written application form or a person in whose behalf a signed written application form is completed requesting assistance.

"Application." A request for assistance by means of a completed, signed designated form. For food stamp purposes, only a name, address and signature are needed on the form.

"Assistance Unit." The individual or individuals living together for whom the Department determines eligibility and, if eligible, provides financial and/or medical assistance and/or social services as one unit.

"Authorization-to-Participate-(App)-Document."--The-document-issued-to an-eligible-household-which-enables-it--to--participate--in--the--food stamp-program--

"Care." As a basis for the deprivation factor, nurture such as supervision and training, housekeeping, laundry and meal preparation needed by a child and given to the child by a mother, a father or another capable and willing person.

"Caretaker Relative." A relative, as specified below, with whom a child must live to and be eligible for AFDC and or-MANG(e) who is providing care, supervision and a home for the child.



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

"Earmarked Income." Income restricted for the use of an individual by court order or by legal stipulation of a contributor. Only income of a child may be considered earmarked for Departmental purposes. The income of a child who has siblings in the home receiving AFDC financial assistance cannot be earmarked.

"Earned Income." Remuneration derived through the receipt of wages or salary for services performed as an employee or profits from activity in which the individual is self-employed.

"Effective Date." The date for which case action is authorized.

"Enrolled MANG Participant." Person or unit meeting the nonfinancial factors of eligibility.

"Established Twelve-Month Six-Month Period." The period of 12 six calendar months over which income is compared to the applicable MANG standard.

"Established Three-Month Period."--The period of three calendar months over which income is compared to the applicable AMI standard.

"Expedited Issuance." Authorization of food stamp benefits after the household has been determined to be destitute or to have zero net income.

"Expedited Service." An immediate processing of a food stamp application and determination of eligibility for expedited issuance.

"Family Case."--A General Assistance case in which a child is included in the assistance unit.

"FCS." The Food and Consumer Service of the United States Department of Agriculture.

"Final Administrative Decision." A decision made by the Department as a result of an appeal. It which either upholds or reverses the appealed action or determines a lack of jurisdiction.

"Financial Assistance." Public Assistance paid in the form of a warrant to a recipient for income maintenance needs. Medical assistance is and social service payments are not considered financial assistance.

"Financial Factors of Eligibility." Income, assets and Department standards of assistance.

"Financially Eligible." The meeting of all financial factors of

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

recipient is not eligible.

"Consistent Pattern of Independent Living."--For a continuous period of at least six months prior to but not immediately preceding the date of application, the applicant has not been provided with free or reduced cost housing by a specified relative and the applicant has been able to meet the normal expenses of independent living without reliance on a specific relative for any monetary or in-kind contribution.

"Correspondent." A specific individual who has been legally designated to handle the affairs of another individual, that is free, parents, court appointed guardian or conservator.

"Coupon Allotment." The total dollar value of the food stamp coupons that a household is authorized to receive.

"DCFS." Illinois Department of Children and Family Services.

"Department." The Illinois Department of Public Aid.

"Dependent Child." A child age 18 or under who is deprived in whole or in part of parental support or care by reason of death of a parent, the incapacity of a parent, the continued absence of a parent, the parents or parents or the unemployment of a parent. If age 18, the child must be a full-time high school (or equivalent) student expected to complete the program before reaching age 19.

"Disbursing Order." An invoice voucher form given to a client authorizing a vendor to provide specified goods and/or services.

"Disposition of an Application." The determination of eligibility or ineligibility.

"Diverted Income." Earned or unearned income of a parent used to meet the needs of ineligible person or persons, including the parent, their dependent child or children, child(ren) or their of an ineligible spouse.

"DMHDD." Illinois Department of Mental Health and Developmental Disabilities.

"DOC." Illinois Department of Corrections.

"DOL." Illinois Department of Labor.

"DORS." Illinois Department of Rehabilitation Services.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

eligibility.

"Fiscal Month (Food--Stamps--Only)." Begins on a given day in one calendar month (the next date of the regular roll--issuance--applicable to--the--household and ends on the day prior to the same given day in the next calendar month next date of the next--regular--roll--issuance applicable to the household.

"PNS--the Food and Nutrition Service of the United States Department of Agriculture--"

"Food Coupons." Same as food stamps.

"Food Stamp Benefits." The amount of coupons which a food stamp household receives.

"Food Stamp Employment and Training." Employment and training program for food stamp recipients.

"Food Stamp Household." For purposes of the food stamp program, a household is defined as any of the following:

An individual living alone;

An individual living with others but customarily purchasing food and preparing meals for home consumption separate and apart from others;

A group of individuals who live together and customarily purchase food and prepare meals together for home consumption.

"Full Time Employment." Employment of 100 hours per month or more.

"GA." General Assistance -- financial and medical assistance available to eligible needy families or individuals who are ineligible to receive assistance through a categorical or Federal Assistance Program.

"GA Community Work and Training Program." A program, applicable to GA outside the City of Chicago only, designed to increase employability of General Assistance recipients through constructive work experience, adult education, vocational training and gainful employment.

"GA--Job--Placement Unit (City of Chicago only).--the Department unit charged with the responsibility of assisting GA applicants--and recipients in finding employment by direct referral to prospective employers."

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

"Grant." The total amount of a monthly financial assistance payment.

"Grant Cases." Public assistance cases authorized for financial assistance and/or social services payments to the recipient.

"Head of Household." The person in whose name application is made for participation in the food stamp program. This person is normally the individual who is the household's primary source of income.

"Health Maintenance Organization (HMO)." Licensed by the Illinois Department of Insurance as a non-profit incorporated agency whose purpose is to provide preventive health care and medical services.

"Healthy Kids." Early and periodic screening, diagnosis and treatment services provided to children from birth through 20 years of age.

"Hearing." The actual presentation and consideration of the issue under appeal before a hearing officer of the Department.

"HIB." Hospital Insurance Benefits provided by Title XVIII of the Social Security Act (Medicare) (42 U.S.C. 1395 et seq.).

"Initial Prorated Entitlement (IPE)." Financial Assistance to cover the period from the initial point of eligibility (application for assistance or initial needs of a person being added to the assistance unit) through two days after the mailing date of the first regular monthly assistance warrant.

"In-Kind Income." Income received by or paid in behalf of an individual in a form other than money.

"Interim Assistance." Assistance furnished to or in behalf of an individual financed totally from State and/or local funds for basic maintenance needs and furnished during the period beginning with the month in which the individual filed an application for Supplemental Security Income (SSI) and for which such individual was found eligible.

"Intermediate Care Facility" (ICF).-- Provides basic nursing care and other restorative services under periodic medical direction. Many of these services may require required skill in administration. Such facilities are for residents who have long term illnesses or disabilities which may have reached a relatively stable plateau.

"Intermediate Care Facility For the Mentally Retarded (ICF/MR).-- Provides primarily for ambulatory adults with developmental disabilities and addresses itself to the needs of mentally retarded and/or with related conditions. Such facilities are for residents who

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

have physical, intellectual, social, and emotional needs.

"JOBS Program (Job Opportunities and Basic Skills Training Program)."  
Department of Public Aid's employment and training programs for AFDC recipients.

"JTPA." Job Training Partnership Act.

"Local Governmental Unit." Every county, city, village, incorporated town or township charged with the duty of providing public aid under General Assistance and County Veterans Assistance Commissions providing assistance to indigent war veterans and their families.

"Local Office." Department of Public Aid offices which serve clients living within a designated geographical area. In--Cook--County---District-offices-of-the-Cook-County-Department-of-Public-Aid---Outside Cook-County---the-County-Departments-of-Public-Aid

"Lump-Sum Lump-Sum Payment." An extraordinary or non-recurring income payment received by a client.

"MAG." Medical Assistance Grant cases -- medical assistance paid on behalf of a recipient of financial assistance.

"MANG." Medical Assistance No Grant - cases -- medical assistance paid on behalf of a recipient of categorical assistance who is not receiving financial assistance.

"MANG(AABD)." Medical assistance available to individuals who have sufficient income and assets to meet all maintenance needs other than medical care and who are receiving Supplemental Security Income benefits or who are determined to be aged, blind or disabled by the Department of Public Aid.

"MANG(C)." Medical Assistance to Families with Dependent Children -- available to families with one or more dependent children who would qualify for AFDC on the basis of non-financial eligibility factors but have sufficient income and assets to meet all maintenance needs other than medical care.

"MBC"--Medical-Bigibility-Card-which-identifies-individuals-for-whom the-Department-will-pay-for-essential-medical-services-and-supplies.

"Medicaid." Medical assistance issued by the Department under provisions of Title XIX of the Social Security Act (42 U.S.C. 1396); MAG and MANG.

"Medical Assistance." Medicaid.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

"Medicare." Payment for medical care under the provisions of Title XVIII of the Social Security Act.

"Medichek." Early and periodic screening diagnosis and treatment services provided to children from birth through 20 years of age.

"Mediplan Card." A document which identifies individuals for whom the Department will pay for essential medical services and supplies.

"Migrant Worker." Any person residing temporarily in and employed in Illinois who moves seasonally from one place to another for the purpose of employment in agricultural activities, including the planting, raising or harvesting of any agricultural or horticultural commodities and the handling, packing or processing of such commodities on the farm where produced or at the point of first processing.

"Needy Relative." A relative of the dependent child, other than the caretaker relative, whose presence is essential in the home to provide care for the eligible child and who has need as determined by the Department standards.

"OASDI." Old Age, Survivors, and Disability Insurance -- often termed "Social Security".

"OJT." On the Job Training programs sponsored through the AFDC JOBS Program, Food Stamp Employment and Training Program or JTPA BWA--or WIN.

"Participant." A person taking part in recipient-under the food stamp program or a Departmental employment and training program.

"Prepaid Health Plan." An organized system of health care responsible responsible for providing or assuring the delivery of comprehensive health maintenance and treatment services to a voluntarily enrolled population.

"PBB"--Public-Service-Employment-sponsored-through-BWA-or-WIN.

"Recipient." An individual who receives benefits under an assistance program.

"SAB"--Separate-Administrative-Unit-----which-acts-as-a- liaison between-BB-WIN-Unit-and-BPA's-income-maintenance-unit.

"Skilled Nursing Facility (SNF)." A group care facility licensed by the Illinois Department of Public Health which provides skilled nursing care, continuous skilled nursing observations, restorative



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

nursing and other services under professional direction with frequent medical supervision. Such facilities are provided for patients who need the type of care and treatment required during the post acute phase of illness or during reoccurrences of symptoms in long-term illness.

"Skilled Nursing Facility for Pediatrics (SNF/PED)." A group care facility licensed by the Illinois Department of Public Health which provides nursing care and rehabilitative and/or rehabilitative care to children under eighteen years of age. Such facilities are for residents primarily diagnosed mentally retarded or having related conditions.

"SMIB." Supplementary Medical Insurance Benefits -- coverage provided under Title XVIII of the Social Security Act for medical services other than hospitalization.

"Social--Service--Need." "----Specific--social--service--items--for-which payment-may-be-authorized:

"Social-Service-Payment." "----Payment-authorized-for-social-services-that were-actually-provided-and-were-made-in-accordance-with--the--approved social-service-plan:

"Social--Service--Plan." "----An-outline-of--the-service-objectives-and specific-social-services-needed-to-obtain-or-maintain-a-service-goal:

"Specified Relative." Same as caretaker relative.

"Spendedown." The amount by which a client's nonexempt income during the eligibility period exceeds the MANG income and asset standards standard.

"SSA." The Social Security Administration -- of the Department of Health and Human Services.

"SSI." Supplemental Security Income -- a program administered by the Social Security Administration providing monthly aid to Aged, Blind and Disabled individuals.

"Student." An individual who is enrolled at least half time (as defined by the institution) in any grade school, high school, vocational school, technical school, training program or institution of higher education. Enrollment in a mail, self-study or correspondence course does not meet the definition of a student.

"Supervision." Exercising of responsibility for the child's welfare by the caretaker.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

"Temporary Caretaker." Another individual temporarily acting as a caretaker (not included in the assistance unit) when no specified relative is available.

"UI." Unemployment Insurance Benefits.

"Unearned Income." All income other than earned income.

"Utilization Control." Evaluation and review by the Department of a recipient's need for care facility, and certification of a patient's need for care by physicians, DMHDD staff, and Department of Public Health.

"Vendor Payment." Direct payment to vendors for items or services provided to clients.

"WIN--Program." "----Work--Incentive--Program--a-program-administered-by the-Department-of-Labor-and-Public-Aid--aimed-at-preparing-public-aid recipients--for--employment--through--services--training--and--job placement:

"Work Experience." A Department program which provides sponsored through-EEVA-to-provide experience in a job.

(Source: Amended at 19 Ill. Reg. 15676, effective NOV 3 1995 )

## Section 101.30 Assistance Programs

a) The types of assistance programs administered by the Illinois Department of Public Aid include: financial assistance, medical assistance--social-services, and food stamps.

b) Financial Assistance Programs -- consists primarily of direct cash payments to recipients. The various financial assistance programs are:

1) Aid to the Aged, Blind or Disabled--State Supplemental Payment For aged, blind, or disabled persons.

2) Aid to Families with Dependent Children

A) For families with one or more dependent children or--in behalf--of--dependent--children--placed-in-foster-care-by-the Department-of-Children-and-Family-Services-as-a-result-of--a judicial-determination.

B) AFDC shall include AFDC-R and AFDC-U and APBE-P.

i) AFDC-R

For families with one or more dependent children whose dependency is based on the death, absence or incapacity of a parent.

ii) AFDC-U

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

For families with one or more dependent children whose dependency is based on the unemployment of one of the parents.

## iii) AFDC-F

Payment through the Illinois Department of Children and Family Services (DCFS) for care provided by a licensed foster home or private non-profit institution to an eligible child placed in foster care by DCFS as a result of judicial determination.

## 3) Cuban Phasedown Program (PPP) For Cuban Refugees-4) Refugee

Resettlement Program (RRP) For refugees from any country.

## 5) Cuban/Haitian Entrant Program (Status Pending)-6) REPAT

## 4) Repatriate Program

For United States citizens and their dependents returned from a foreign country by the U.S. Department of State.

## 5) General Assistance

For individuals and families who do not qualify for assistance under the Aid to the Aged, Blind or Disabled (AABD)-State Supplemental Payment (SSP), Aid to Families with Dependent Children (AFDC), or federal Supplement Security Income (SSI) programs and who meet GA program requirements.

## c) Medical Assistance -- under which payments are made to medical providers for services provided to recipients.

## 1) Medicaid

For persons eligible for financial assistance under the AABD-SSP and AFDC programs and for individuals not eligible for financial assistance but who meet the aged-blind-disabled-or-deprived requirements of those programs for medical assistance only. This includes and-for pregnant women of any age with no other dependent children who would be eligible for AFDC or MANG (CR) if the child had already been born. Medicaid is provided under the AFDC-F program for children under DCFS guardianship who have been placed in licensed foster care or in the home of a relative.

## 2) Healthy Kids Medichex

A preventative health program for all clients who are under 21 years of age and who are receiving AFDC, AABD, RRA, GA or MANG. Through Healthy Kids Medichex, persons are given periodic screening examinations at certain ages from birth through age 20. The A-Medichex screening is to diagnose and treat health problems at an early stage.

## 3) General Assistance Medical

For persons receiving financial benefits under the GA program.

## 4) Aid-to-the-Medically-Indigent

For persons not eligible for financial assistance under the GA program but who meet the other eligibility requirements.

## d) Social Services---consists primarily of payments made to providers of social services for services delivered to recipients--for individuals eligible under any of the financial assistance programs with the

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

exception that for individuals eligible under GA outside of the City of Chicago--social services are available at the option of the local governmental unit.

d) Food Stamps -- provides increased food purchasing benefits to recipients. Food Stamp benefits are available to individuals who meet the eligibility requirements of the Food and Nutrition Service of the U.S. Department of Agriculture in accordance with the Food Stamp Act of 1977 (7 U.S.C. 2017 et seq.).

e) Title IV-D (AFDC-Only) -- attempts to collect child in which support payments from made-by absent parents in behalf of children receiving assistance are paid-directly-to-the-Department. The Department enlists the cooperation of the caretaker relative in identifying, locating and or securing support from an absent parent or parents or putative father. Such support received is subsequently paid directly to the Department.

(Source: Amended at 19 Ill. Reg.

15676,

NOV 3 1995

## Section 101.40 Assistance Program Restrictions

a) An individual shall be eligible to receive financial assistance under only one of the following types of assistance programs at any one time:

- 1) Categorical Assistance (AFDC or AABD),
- 2) General Assistance, or
- 3) Aid-to-the-Medically-Indigent-or-4) Assistance to Refugees, Entrants and Repatriates.

b) An individual shall be eligible to receive financial and medical assistance in only one case under one assistance program, at any one time, except:

- 1) An individual who currently receives Categorical Assistance from another State and has established Illinois residence (in accordance with 89 Ill. Adm. Code 112.20, 113.20, 114.20, 120.21, 120.31, or 121.21) may receive Supplemental Categorical Assistance in Illinois when the amount of the Illinois assistance payment level to which the individual is entitled exceeds the amount received from the other State, if the excess is at least \$10.00.

- 2) An individual who is currently receiving General Assistance shall be eligible to receive GA during the pendency of an application for Categorical Assistance or to receive the difference between the amount of the GA grant and the amount of the Categorical Grant for the month in which the individual is determined eligible for Categorical Assistance.

- 3) A pregnant woman who is receiving medical assistance MANG(C) may also receive a General Assistance grant, if otherwise eligible.

- 4) A child under DCFS guardianship who has been placed in the home

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

of a relative not licensed for foster care may receive medical assistance under AFDC-F and financial assistance under AFDC-R.

- c) An individual shall not be eligible to receive food stamps as a member of more than one household at any one time.

(Source: Amended at 19 Ill. Reg. 15676, effective  
NOV 3 1995)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Medical Payment

- 2) Code Citation: 89 Ill. Adm. Code 140

- 3) Section Numbers: Adopted Action:

140.500 Amendment  
140.504 Amendment  
140.505 Repeal  
140.535 Amendment

- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]

- 5) Effective Date of Amendments: November 6, 1995

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Do these Amendments contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: November 6, 1995

- 9) Notice of Proposal Published in Illinois Register:

Sections 140.500 through 140.505 Section 140.535

July 14, 1995 (19 Ill. Reg. 9386) July 21, 1995 (19 Ill. Reg. 10390)

- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

- 11) Differences between proposal and final version:

Sections 140.500, 140.504 and 140.505

In the second sentence of Section 140.500, "state operated" has been changed to "State operated".

In Section 140.504(a), a comma has been added after "pursuant to subsection (c) below" near the end of the subsection.

In Section 140.504(b), a comma has been added after "pursuant to subsection (c) below" near the end of the first sentence.

Section 140.535

In subsection (b), the text enclosed by parentheses has been revised as follows: (Capital costs of related organizations must be itemized.)



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

12) In the first sentence and the last sentence of subsection (c)(1), the word "which" has been changed to "that".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect?

Sections 140.500 through 140.505 Section 140.535

Yes

No

14) Are there any Amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
140.2	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.7	Amendment	August 25, 1995 (19 Ill. Reg. 12210)
140.9	Amendment	August 25, 1995 (19 Ill. Reg. 12210)
140.16	Amendment	September 15, 1995 (19 Ill. Reg. 12937)
140.40	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.80	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.82	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.84	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.413	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.440	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.443	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.444	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.445	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.446	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.447	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.460	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.461	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.462	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.463	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.464	Repeal	October 20, 1995 (19 Ill. Reg. 14530)
140.485	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.920	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.922	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.924	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.926	Repeal	October 20, 1995 (19 Ill. Reg. 14530)
140.928	Repeal	October 20, 1995 (19 Ill. Reg. 14530)
140.930	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.932	Repeal	October 20, 1995 (19 Ill. Reg. 14530)
Table M	Amendment	October 20, 1995 (19 Ill. Reg. 14530)

15) Summary and Purpose of Amendments:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

Sections 140.500, 140.504 and 150.505

These amendments are being filed in conjunction with related amendments to 89 Ill. Adm. Code 104, Practice in Administrative Hearing. The amendments provide changes in the Department's policies and procedures regarding the cessation of payment because of termination of a long term care facility from participation in the Medical Assistance program. These changes allow the Department, in the case of nursing facilities, to cease payments effective with the date of termination established, regardless of the status of the hearing process. However, the amendments contain provisions for the continuation of payment, at the Department's sole discretion, when there are circumstances affecting the health, safety, and welfare of the long term care facility's resident population, which justify continued payment.

These amendments conform with federal regulations found at 42 CFR 441.11, which states must implement effective July 1, 1995. These federal regulations impose a limitation on the payment of federal matching funds (FFP) for nursing facility services following a notice to the facility of the intent to terminate. The budget reduction initiatives contained in Public Act 89-21 allow the Department to cease facility payments prior to the conclusion of the hearing process, and comply with federal regulations.

It is anticipated that these amendments will result in the elimination of FFP loss that occurs when payments to nursing facilities continue beyond the date of termination. During the first three quarters of fiscal year 1995, \$4 million in FFP was lost on that basis.

## Section 140.535

These amendments provide clarifications concerning cost reports associated with appeals by providers of long term care services, relative to increases in facility real estate taxes. When a long term care facility chooses to appeal an increase in real estate tax, the direct cost of the appeal may be reported as a real estate tax cost instead of a professional fee cost. Only fees paid to lawyers or organizations which specialize in real estate tax appeals may be considered to be a direct appeal cost.

The amendments specify that appeal services provided by related entities may not be classified as real estate tax costs. Related entities, as described in Section 140.537, include organizations with overlapping ownership and organizations with ownership interests held by relatives of the owners of the reporting facility. The amendments also make clear that professional fees may not be reported as real estate tax costs if no appeal of an increase in real estate taxes is filed.

16) Information and questions regarding these Adopted Amendments shall be

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

directed to:

Name: Joanne Jones  
Address: Bureau of Rules and Regulations  
Illinois Department of Public Aid  
100 South Grand Avenue East, Third Floor  
Springfield, Illinois 62762  
Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140  
MEDICAL PAYMENT

## SUBPART A: GENERAL PROVISIONS

## Section

- 140.1 Incorporation By Reference  
140.2 Medical Assistance Programs  
140.3 Covered Services Under the Medical Assistance Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Children Under Age Eight Who Do Not Qualify as Mandatory Categorically Needy and Disabled Persons Under Age 21 Who May Qualify for Medicaid and In-Home Care (Model Waiver)  
140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)  
140.5 Covered Medical Services Under GA  
140.6 Medical Services Not Covered  
140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight  
140.8 Medical Assistance For Qualified Severely Impaired Individuals  
140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy  
140.10 Medical Assistance Provided to Incarcerated Persons

## SUBPART B: MEDICAL PROVIDER PARTICIPATION

## Section

- 140.11 Enrollment Conditions for Medical Providers  
140.12 Participation Requirements for Medical Providers  
140.13 Definitions  
140.14 Denial of Application to Participate in the Medical Assistance Program  
140.15 Recovery of Money  
140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program  
140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program  
140.18 Effect of Termination on Individuals Associated with Vendor  
140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring  
140.20 Submittal of Claims  
140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

140.22 Magnetic Tape Billings  
 140.23 Payment of Claims  
 140.24 Payment Procedures  
 140.25 Overpayment or Underpayment of Claims  
 140.26 Payment to Factors Prohibited  
 140.27 Assignment of Vendor Payments  
 140.28 Record Requirements for Medical Providers  
 140.30 Audits  
 140.31 Emergency Services Audits  
 140.32 Prohibition on Participation, and Special Permission for Participation  
 140.33 Publication of List of Terminated, Suspended or Barred Entities  
 140.35 False Reporting and Other Fraudulent Activities  
 140.40 Prior Approval for Medical Services or Items  
 140.41 Prior Approval in Cases of Emergency  
 140.42 Limitation on Prior Approval  
 140.43 Post Approval for Items or Services When Prior Approval Cannot Be Obtained  
 140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice  
 140.72 Voucher Advance Payment and Expedited Payments  
 140.73 Drug Manual (Recodified)  
 Drug Manual Updates (Recodified)

## SUBPART C: PROVIDER ASSESSMENTS

Section  
 140.80 Hospital Provider Fund  
 140.82 Developmentally Disabled Care Provider Fund  
 140.84 Long Term Care Provider Fund  
 140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund  
 140.95 Hospital Services Trust Fund  
 140.96 General Requirements (Recodified)  
 140.97 Special Requirements (Recodified)  
 140.98 Covered Hospital Services (Recodified)  
 140.99 Hospital Services Not Covered (Recodified)  
 140.100 Limitation on Hospital Services (Recodified)  
 140.101 Transplants (Recodified)  
 140.102 Heart Transplants (Recodified)  
 140.103 Liver Transplants (Recodified)  
 140.104 Bone Marrow Transplants (Recodified)  
 140.110 Disproportionate Share Hospital Adjustments (Recodified)  
 140.116 Payment for Inpatient Services for GA (Recodified)  
 140.117 Hospital Outpatient and Clinic Services (Recodified)  
 140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)  
 140.201 Payment for Hospital Services After June 30, 1982 (Repealed)  
 140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)  
 140.203 Limits on Length of Stay by Diagnosis (Recodified)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)  
 140.350 Copayments (Recodified)  
 140.360 Payment Methodology (Recodified)  
 140.361 Non-Participating Hospitals (Recodified)  
 140.362 Pre July 1, 1989 Services (Recodified)  
 140.363 Post June 30, 1989 Services (Recodified)  
 140.364 Prepayment Review (Recodified)  
 140.365 Base Year Costs (Recodified)  
 140.366 Restructuring Adjustment (Recodified)  
 140.367 Inflation Adjustment (Recodified)  
 140.368 Volume Adjustment (Repealed)  
 140.369 Groupings (Recodified)  
 140.370 Rate Calculation (Recodified)  
 140.371 Payment (Recodified)  
 140.372 Review Procedure (Recodified)  
 140.373 Utilization (Repealed)  
 140.374 Alternatives (Recodified)  
 140.375 Exemptions (Recodified)  
 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)  
 140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)  
 140.391 Definitions (Recodified)  
 140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)  
 140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)  
 140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)  
 140.398 Hearings (Recodified)

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section  
 140.400 Payment to Practitioners, Nurses and Laboratories  
 140.410 Physicians' Services  
 140.411 Covered Services By Physicians  
 140.412 Services Not Covered By Physicians  
 140.413 Limitation on Physician Services  
 140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians  
 140.416 Optometric Services and Materials  
 140.417 Limitations on Optometric Services  
 140.418 Department of Corrections Laboratory  
 140.420 Dental Services  
 140.421 Limitations on Dental Services  
 140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items - Dentists  
 140.425 Podiatry Services



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

140.426	Limitations on Podiatry Services	
140.427	Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry	Pharmacy
140.428	Chiropractic Services	
140.429	Limitations on Chiropractic Services (Repealed)	
140.430	Independent Laboratory Services	
140.431	Services Not Covered by Independent Laboratory	
140.432	Limitations on Independent Laboratory Services	
140.433	Payment for Laboratory Services	
140.434	Record Requirements for Independent Laboratories	
140.435	Nurse Services	
140.436	Limitations on Nurse Services	
140.440	Pharmacy Services	
140.441	Pharmacy Services Not Covered	
140.442	Prior Approval of Prescriptions	
140.443	Filling of Prescriptions	
140.444	Compounded Prescriptions	
140.445	Prescription Items (Not Compounded)	
140.446	Over-the-Counter Items	
140.447	Reimbursement	
140.448	Returned Pharmacy Items	
140.449	Payment of Pharmacy Items	
140.450	Record Requirements for Pharmacies	
140.452	Mental Health Clinic Services	
140.453	Definitions	
140.454	Types of Mental Health Clinic Services	
140.455	Payment for Mental Health Clinic Services	
140.456	Hearings	
140.457	Therapy Services	
140.458	Prior Approval for Therapy Services	
140.459	Payment for Therapy Services	
140.460	Clinic Services	
140.461	Clinic Participation, Data and Certification Requirements	
140.462	Covered Services in Clinics	
140.463	Clinic Service Payment	
140.464	Healthy Moms/Healthy Kids Managed Care Clinics	
140.465	Speech and Hearing Clinics (Repealed)	
140.466	Rural Health Clinics	
140.467	Independent Clinics	
140.469	Hospice	
140.470	Home Health Services	
140.471	Home Health Covered Services	
140.472	Types of Home Health Services	
140.473	Prior Approval for Home Health Services	
140.474	Payment for Home Health Services	
140.475	Medical Equipment, Supplies and Prosthetic Devices	
140.476	Medical Equipment, Supplies and Prosthetic Devices for Which Payment Will Not Be Made	

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

140.477	Limitations on Equipment, Supplies and Prosthetic Devices	
140.478	Prior Approval for Medical Equipment, Supplies and Prosthetic Devices	
140.479	Limitations, Medical Supplies	
140.480	Equipment Rental Limitations	
140.481	Payment for Medical Equipment, Supplies and Prosthetic Devices	
140.482	Family Planning Services	
140.483	Limitations on Family Planning Services	
140.484	Payment for Family Planning Services	
140.485	Healthy Kids Program	
140.486	Limitations on Medichesk Services (Repealed)	
140.487	Healthy Kids Program Timeliness Standards	
140.488	Periodicity Schedule, Immunizations and Diagnostic Laboratory Procedures	
140.490	Medical Transportation	
140.491	Limitations on Medical Transportation	
140.492	Payment for Medical Transportation	
140.495	Psychological Services	
140.496	Payment for Psychological Services	
140.497	Hearing Aids	
SUBPART E: GROUP CARE		
Group Care Services		
140.500	Cessation of Payment at Federal Direction	
140.502	Cessation of Payment for Improper Level of Care	
140.503	Cessation of Payment Because of Termination of Facility	
140.504	Continuation of Payment Because of Threat To Life	
140.505	Provider Voluntary Withdrawal	
140.506	Continuation of Provider Agreement	
140.507	Determination of Need for Group Care	
140.510	Long Term Care Services Covered by Department Payment	
140.511	Utilization Control	
140.512	Utilization Review Plan (Repealed)	
140.513	Certifications and Recertifications of Care	
140.514	Management of Recipient Funds--Personal Allowance Funds	
140.515	Recipient Management of Funds	
140.516	Correspondent Management of Funds	
140.517	Facility Management of Funds	
140.518	Use or Accumulation of Funds	
140.519	Management of Recipient Funds--Local Office Responsibility	
140.520	Room and Board Accounts	
140.521	Reconciliation of Recipient Funds	
140.522	Bed Reserves	
140.523	Cessation of Payment Due to Loss of License	
140.524	Quality Incentive Program (QUIP) Payment Levels	
140.525	Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP) (Repealed)	

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

140.527	Quality Incentive Survey (Repealed)
140.528	Payment of Quality Incentive (Repealed)
140.529	Reviews (Repealed)
140.530	Basis of Payment for Long Term Care Services
140.531	General Service Costs
140.532	Health Care Costs
140.533	General Administration Costs
140.534	Ownership Costs
140.535	Costs for Interest, Taxes and Rent
140.536	Organization and Pre-Operating Costs
140.537	Payments to Related Organizations
140.538	Special Costs
140.539	Nurse's Aide Training and Testing
140.540	Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
140.541	Salaries Paid to Owners or Related Parties
140.542	Cost Reports--Filing Requirements
140.543	Time Standards for Filing Cost Reports
140.544	Access to Cost Reports (Repealed)
140.545	Penalty for Failure to File Cost Reports
140.550	Update of Operating Costs
140.551	General Service Costs
140.552	Nursing and Program Costs
140.553	General Administrative Costs
140.554	Component Inflation Index
140.555	Minimum Wage
140.560	Components of the Base Rate Determination
140.561	Support Costs Components
140.562	Nursing Costs
140.563	Capital Costs
140.565	Kosher Kitchen Reimbursement
140.566	Out-of-State Placement
140.567	Level II Incentive Payments (Repealed)
140.568	Duration of Incentive Payments (Repealed)
140.569	Clients With Exceptional Care Needs
140.570	Capital Rate Component Determination
140.571	Capital Rate Calculation
140.572	Total Capital Rate
140.573	Other Capital Provisions
140.574	Capital Rates for Rented Facilities
140.575	Newly Constructed Facilities (Repealed)
140.576	Renovations (Repealed)
140.577	Capital Costs for Rented Facilities (Renumbered)
140.578	Property Taxes
140.579	Specialized Living Centers
140.580	Mandated Capital Improvements (Repealed)
140.581	Qualifying as Mandated Capital Improvement (Repealed)
140.582	Cost Adjustments

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

140.583	Campus Facilities
140.584	Illinois Municipal Retirement Fund (IMRF)
140.590	Audit and Record Requirements
140.642	Screening Assessment for Long Term Care and Alternative Residential Settings and Services
140.643	In-Home Care Program
140.645	Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21
140.646	Reimbursement for Developmental Training (DT) Services for Individuals with Developmental Disabilities Who Reside in Long Term Care (ICF AND SNF) and Residential (ICF/MR) Facilities
140.647	Description of Developmental Training (DT) Services
140.648	Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
140.649	Effective Dates of Reimbursement for Developmental Training (DT) Programs
140.650	Certification of Developmental Training (DT) Programs
140.651	Decertification of Day Programs
140.652	Terms of Assurances and Contracts
140.680	Effective Date of Payment Rate
140.700	Discharge of Long Term Care Residents
140.830	Appeals of Rate Determinations
140.835	Determination of Cap on Payments for Long Term Care (Repealed)

## SUBPART F: MEDICAID PARTNERSHIP PROGRAM

Section	General Description (Repealed)
140.850	Definition of Terms (Repealed)
140.855	Covered Services (Repealed)
140.860	Sponsor Qualifications (Repealed)
140.865	Sponsor Responsibilities (Repealed)
140.870	Department Responsibilities (Repealed)
140.875	Provider Qualifications (Repealed)
140.880	Provider Responsibilities (Repealed)
140.885	Payment Methodology (Repealed)
140.890	Contract Monitoring (Repealed)
140.895	Reimbursement For Program Costs (Active Treatment) For Clients In Long Term Care Facilities For the Developmentally Disabled (Recodified)
140.896	

## SUBPART G: HEALTHY MOMS/HEALTHY KIDS PROGRAM

Section	Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
140.900	Functional Areas of Needs (Recodified)
140.901	Service Needs (Recodified)
140.902	

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

140.903	Definitions (Recodified)
140.904	Times and Staff Levels (Repealed)
140.905	Statewide Rates (Repealed)
140.906	Reconsiderations (Recodified)
140.907	Midnight Census Report (Recodified)
140.908	Times and Staff Levels (Recodified)
140.909	Statewide Rates (Recodified)
140.910	Referrals (Recodified)
140.911	Basic Rehabilitation Aide Training Program (Recodified)
140.912	Interim Nursing Rates (Recodified)
140.920	General Description
140.922	Covered Services
140.924	Provider Participation Requirements
140.926	Client Eligibility
140.928	Client Enrollment and Program Components
140.930	Reimbursement
140.932	Payment Authorization for Referrals

SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT  
EQUITY (ICARE) PROGRAM

Section	Illinois Competitive Access and Reimbursement Equity (ICARE) Program
140.940	(Recodified)
140.942	Notification of Terms (Recodified)
140.944	Notification of Negotiations (Recodified)
140.946	Hospital Participation in ICARE Program Negotiations (Recodified)
140.948	Negotiation Procedures (Recodified)
140.950	Factors Considered in Awarding ICARE Contracts (Recodified)
140.952	Closing an ICARE Area (Recodified)
140.954	Administrative Review (Recodified)
140.956	Payments to Contracting Hospitals (Recodified)
140.958	Admitting and Clinical Privileges (Recodified)
140.960	Inpatient Hospital Care or Services by Non-Contracting Hospitals
	Eligible for Payment (Recodified)
140.962	Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
140.964	Contract Monitoring (Recodified)
140.966	Transfer of Recipients (Recodified)
140.968	Validity of Contracts (Recodified)
140.970	Termination of ICARE Contracts (Recodified)
140.972	Hospital Services Procurement Advisory Board (Recodified)

TABLE A	Medichuk Recommended Screening Procedures (Repealed)
TABLE B	Health Service Areas
TABLE C	Capital Cost Areas
TABLE D	Schedule of Dental Procedures
TABLE E	Time Limits for Processing of Prior Approval Requests

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

TABLE F	Podiatry Service Schedule
TABLE G	Travel Distance Standards
TABLE H	Areas of Major Life Activity
TABLE I	Staff Time and Allocation for Training Programs (Recodified)
TABLE J	HSA Grouping (Repealed)
TABLE K	Services Qualifying for 10% Add-On (Repealed)
TABLE L	Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)
TABLE M	Enhanced Rates for Healthy Moms/Healthy Kids Provider Services

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. 3] and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI, VII and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days;



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11557, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7654, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.914 thru 140.916 recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.207 thru 147.210; Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 23, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15602, effective NOV 6 1995.

## SUBPART E: GROUP CARE

## Section 140.500 Long Term Group Care Services

Payments to provide medical long term care group-care services to Medicaid clients recipients shall be made only to facilities licensed by the Illinois Department of Public Health and approved and certified for participation by that Department except such payments as are made pursuant to Section 140.504. ~~149-595--or~~ Section 140.506 or 89 Ill. Adm. Code 104.273. These facilities include skilled nursing homes (SNF), intermediate care facilities (ICF), intermediate care facilities for the mentally retarded (ICF/MR), skilled nursing homes for pediatrics (SNF/PED), specialized living centers (SLC), and State state operated group-care facilities. Provision of any payments for long term care group-care services are governed by Sections 140.500 through 140.907 and 89 Ill. Adm. Code 104.273.

(Source: Amended at 19 Ill. Reg. 15602 effective NOV 6 1995)

## Section 140.504 Cessation of Payment Because of Termination of Facility

a) The Department shall cease payments for the care of a Medicaid client residing recipient in an ICF/MR a-group--care facility effective 30 days following the Department's decision after hearing that the



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

facility be terminated from participation in the Department's Medical Assistance Program, unless the Department determines, ~~that it have determined~~ pursuant to subsection (c) below, ~~Section 140-505~~ that payments should be continued ~~for that recipient~~.

b) The Department shall cease payments for care of a Medicaid client residing in a nursing home (not an ICF/MR facility) effective with the termination date established by the Department, unless the Department determines, pursuant to subsection (c) below, that payments should be continued. Pursuant to 89 Ill. Adm. Code 104.208(c), the termination will be effective on such date regardless of whether any hearing requested has been completed.

c) The Department has sole discretion to continue payment after the termination date when there are circumstances affecting the health, safety, and welfare of the long term care facility's residents which justify continued payment. Such circumstances include, but are not limited to, alternate facility placement cannot be found or transfer of a resident, as certified by a physician, may endanger the resident's life.

(Source: Amended at 19 Ill. Reg. 15692, effective NOV 6 1995 )

## Section 140.505 Continuation of Payment Because of Threat to Life (Repealed)

~~If the Department determines, on the basis of competent medical evidence, that the recipient's life would be endangered if the recipient were required to move from a group care facility, the Department may continue to pay for medical services to such a recipient within such facility until the move would no longer be life-threatening to the recipient.~~

(Source: Repealed at 19 Ill. Reg. 15692, effective NOV 6 1995 )

## Section 140.535 Costs for Interest, Taxes and Rent

a) Allowable costs for interest expenses

1) Interest -- Reasonable and necessary interest on both current and capital indebtedness is an allowable cost provided that the indebtedness is related to patient care. No interest cost shall be recognized to the extent it exceeds payment used on 125 percent of the prevailing mortgage rate at the time of the loan. Interest paid on loans from the providers' donor-restricted funds or qualified pension fund is allowable. Interest income from unrestricted funds must be used to offset allowable interest expense. Interest incurred during construction must be capitalized and amortized over the life of the asset. Interest penalties are not allowable costs. Interest on loans to purchase capital stock are not allowable costs.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

2) Effective for the rate year beginning July 1, 1984, for sales occurring January 1, 1978, and after, where the increased capital cost is deemed unreasonable, and adjustment to interest expense is made, the principal on which interest is computed must be reduced by the excess of the purchase price over the calculated reasonable capital expense.

b) Rent -- Reasonable amounts expended for the rental of care related assets are allowable insofar as they represent arms length transactions between the owners of the property and the party claiming the expense. Subleases are not an allowable expense. Rents paid to related organizations are not an allowable expense. (Capital costs of related organizations must be itemized.) Real estate and personal property taxes included in rental amounts should be claimed as a tax expense.

c) Taxes -- Real estate and personal property taxes on care related assets are allowable capital costs. Special assessments on land which represent capital improvements such as sewers, water, and pavements must be capitalized and depreciated over their estimated useful lives. Fines and penalties associated with property taxes are not an allowable cost. The personal property replacement tax is not allowable.

1) A facility that which is organized as a not-for-profit entity must attach a copy of a denial of an application for exemption from real estate taxes, to the cost report filed with the Department. This exemption denial should be no more than four years old at the time the cost report is filed. A not-for-profit entity that which leases the building from a for-profit entity does not have to attach a denial report.

2) Starting with cost reporting periods ending in 1994, if the long term care facility chooses to appeal an increase in real estate tax, the direct cost of that appeal may be reported as a real estate tax cost instead of a professional fee cost. An example of this cost would be a fee paid to a lawyer to prepare the appeal. Indirect costs such as overhead costs cannot be reported as a real estate tax appeal cost. Only fees paid to lawyers or organizations which specialize in real estate tax appeals may be considered to be a direct appeal cost. Services provided by related entities as defined in Section 140.537 may not be classified as a real estate tax cost. Professional fees may not be reported as a real estate tax cost if no appeal is filed. A copy of the invoice which provides details of services provided must be submitted with the cost report. A copy of the decision from the real estate tax appeal board must also be submitted with the cost report for the year in which the decision was received.

(Source: Amended at 19 Ill. Reg. 15692, effective NOV 6 1995 )



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Practice in Administrative Hearings

2) Code Citation: 89 Ill. Adm. Code 104

3) Section Numbers: Adopted Action:

104.208 Amendment  
104.210 Amendment  
104.270 Amendment  
104.273 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]

5) Effective Date of Amendments: November 6, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: November 6, 1995

9) Notice of Proposal Published in Illinois Register: July 14, 1995 (19 Ill. Reg. 9389)

10) Has JC&R issued a Statement of Objections to these Adopted Amendments? No

11) Differences between proposal and final version: The following changes have been made in the proposed amendments.

Several technical changes have been made in the Main Source Note following the initial section outline.

In Section 104.208(c)(8), "sections" has been changed to "Sections".

In Section 104.210(f), "60 days of" has been changed to "60 days after".

No other changes have been made in the text of the proposed amendments.

12) Have all the changes agreed upon by the agency and JC&R been made as indicated in the agreement letter issued by JC&R? Yes

13) Will these Amendments replace Emergency Amendments currently in effect?  
Yes

14) Are there any Amendments pending on this Part? Yes

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

Sections Proposed Action Illinois Register Citation

104.221 Amendment September 8, 1995 (19 Ill. Reg. 12604)

15) Summary and Purpose of Amendments: These amendments to the Department's rules affect the administrative hearing process for vendors who participate in the Medical Assistance Program. The amendments add new provisions pertaining to the hearing rights of long term care facilities when responding to joint action by the Department and the Department of Public Health (DPH), of the Department's intent to terminate, suspend or deny the provider agreement, and of DPH's intent to deny certification. The amendments allow the Department, in the case of nursing facilities, to cease payments effective with the date of termination established, regardless of the status of the hearing process.

These amendments conform with federal regulations found at 42 CFR 441.11, which states must implement effective July 1, 1995. The federal regulations impose a limitation on the payment of federal matching funds (FFP) for nursing facility services following a notice to the facility of the intent to terminate. The budget reduction initiatives contained in Public Act 89-21 allow the Department to cease facility payments prior to the conclusion of the hearing process, and comply with federal regulations.

It is anticipated that these amendments will result in the elimination of FFP loss that occurs when payments to nursing facilities continue beyond the date of termination. During the first three quarters of fiscal year 1995, \$4 million in FFP was lost on that basis.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Joanne Jones

Address: Bureau of Rules and Regulations

Illinois Department of Public Aid

100 South Grand Avenue East, Third Floor

Springfield, Illinois 62762

Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER a: GENERAL PROVISIONS

## PART 104

## PRACTICE IN ADMINISTRATIVE HEARINGS

## SUBPART A: ASSISTANCE APPEAL

## Section

104.1	Assistance Appeals
104.10	Initiation of Appeal Process
104.11	Pre-Appeal Review
104.12	Notice of Hearing
104.20	Conduct of Hearings
104.21	Representation
104.22	Appellant Participation in Hearing
104.23	Evidentiary Requirements
104.30	Subpoenas
104.35	Amendment of Appeal
104.40	Consolidation of Appeals
104.45	Postponement or Continuation of Hearings
104.50	Withdrawal of Appeal
104.55	Closing of Hearing Record
104.60	Dismissal of Appeal
104.70	Final Administrative Decision
104.80	Public Aid Committee

## SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

## Section

104.100	Responsible Relative and Joint Payee Petitions
104.101	Petition for Hearing
104.102	Conduct of Administrative Support Hearings
104.103	Conduct of Hearings to Contest the Determination of Past-Due Support or of Share of Jointly-Owned Funds
104.104	Conduct of Other Hearings

## SUBPART C: MEDICAL VENDOR HEARINGS

## Section

104.200	Applicability
104.202	Definitions
104.204	Notice of Denial of an Application
104.206	Notice of Intent to Recover Money
104.208	Notice of Intent to Terminate, Suspend or Not Renew Provider Agreement
104.209	Notice of Intent to Certify Past-Due Support Owed by a Responsible

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

Relative to a State Licensing Agency and to Take Disciplinary Action  
Right to Hearing  
Notice of Termination or Suspension Pursuant to Exclusion by the  
Department of Health and Human Services

Prior Factual Determinations  
Notice of Formal Conference  
Formal Conference on Recovery of Money  
Purpose of Formal Conference

104.210	Notice of Hearing
104.211	Notice of Hearing
104.212	Issues at Hearings
104.215	Legal Counsel
104.216	Appearance of Attorney or Other Representative
104.217	Notice, Service and Proof of Service
104.218	Form of Papers
104.219	Discovery
104.220	Conduct of Hearings
104.221	Amendments
104.222	Motions
104.223	Subpoenas
104.224	Burden of Proof
104.225	Witness at Hearings
104.226	Evidence at Hearings
104.227	Cross-Examination
104.228	Official Notice
104.229	Computer Generated Documents
104.230	Recommendation of Peer Review Committee
104.231	Time Limits for Hearings
104.232	Continuances and Extensions
104.233	Withholding of Payments During Pendency of Proceedings
104.234	Continuation of Payments During Pendency of Proceedings
104.235	Denial of Payments for Services During Pendency of Proceedings
104.236	Record of Hearings
104.237	Failure to Appear or Proceed
104.238	Recommended Decision
104.239	Director's Decision
104.240	Director's Decision

SUBPART D: RULES FOR JOINT DEPARTMENT ACTIONS AGAINST  
SKILLED NURSING FACILITIES AND INTERMEDIATE CARE  
FACILITIES PARTICIPATING IN THE MEDICAID PROGRAM

## Section

104.300	Authority
104.302	Definitions
104.304	Department Actions Against Nursing Homes Facilities
104.310	Certification
104.320	Joint Administrative Hearing
104.330	Facilities Certified Under Both Medicare and Medicaid

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART E: FOOD STAMP ADMINISTRATIVE DISQUALIFICATION HEARINGS

- 104.400 Suspected Intentional Violation of the Program
- 104.410 Advance Notice of Administrative Disqualification Hearing
- 104.420 Postponement of Hearing
- 104.430 Administrative Disqualification Hearing Procedures
- 104.440 Failure to Appear
- 104.450 Participation While Awaiting a Hearing
- 104.460 Consolidation of Administrative Disqualification Hearing with Fair Hearing
- 104.470 Administrative Disqualification Hearing Decision and Notice of Decision
- 104.480 Appeal Procedure

## SUBPART F: INCORPORATION BY REFERENCE

- Section
- 104.800 Incorporation by Reference

**AUTHORITY:** Implementing Sections 11-8 through 11-8.7, 12-4.9 and 12-4.25 and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 11-8 through 11-8.7, 12-4.9, 12-4.25 and 12-13) [305 ILCS 5/11-8 through 11-8.7, 12-4.9, 12-4.25 and 12-13].

**SOURCE:** Filed and effective December 30, 1977; emergency rule at 2 Ill. Reg. 11, p. 151, effective March 9, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 10, effective May 26, 1978; amended at 2 Ill. Reg. 33, p. 57, effective August 17, 1978; peremptory amendment at 3 Ill. Reg. 11, p. 38, effective March 1, 1979; amended at 4 Ill. Reg. 21, p. 80, effective May 8, 1980; peremptory amendment at 5 Ill. Reg. 1197, effective January 23, 1981; amended at 5 Ill. Reg. 10753, effective October 1, 1981; amended at 6 Ill. Reg. 894, effective January 7, 1982; codified at 7 Ill. Reg. 5706; amended at 8 Ill. Reg. 5274, effective April 9, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 16979; amended at 8 Ill. Reg. 18114, effective September 21, 1984; amended at 10 Ill. Reg. 10129, effective June 1, 1986; amended at 11 Ill. Reg. 9213, effective April 30, 1987; amended at 12 Ill. Reg. 9142, effective May 16, 1988; amended at 13 Ill. Reg. 3944, effective March 10, 1989; amended at 13 Ill. Reg. 17013, effective October 16, 1989; amended at 14 Ill. Reg. 18836, effective November 9, 1990; amended at 15 Ill. Reg. 5320, effective April 1, 1991; amended at 15 Ill. Reg. 6557, effective April 30, 1991; amended at 16 Ill. Reg. 12903, effective August 15, 1992; amended at 16 Ill. Reg. 16632, effective October 23, 1992; amended at 16 Ill. Reg. 18834, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 659, effective January 7, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 7025, effective April 30, 1993; amended at 18 Ill. Reg. 11260, effective July 1, 1994; amended at 19 Ill. Reg. 1321, effective January 30, 1995; emergency amendment at 19 Ill. Reg. 10268, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. **15711**, effective

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

NOV 6 1995

## SUBPART C: MEDICAL VENDOR HEARINGS

## Section 104.208 Notice of Intent to Terminate, Suspend or Not Renew Provider Agreement

- a) Except for actions brought jointly by the Department of Public Aid and the Department of Public Health pursuant to Section 104.300, the following provisions apply. If, in an action other than one under 89 Ill. Adm. Code 140.16(a)(2) or one under 89 Ill. Adm. Code Section 140.16(a)(9) based on a conviction for a violation of the Illinois Public Aid Code, the Department intends to terminate or suspend a vendor's eligibility to participate in the Medical Assistance Program, or terminate (or not renew) a vendor's provider agreement, it shall notify the vendor in writing, setting forth:
  - 1) the reason for the Department's action,
  - 2) a statement of the right to request a hearing prior to the intended action taking effect,
  - 3) a statement of the time, place and nature of the hearing,
  - 4) a statement of the legal authority and jurisdiction under which the hearing is to be held, and
  - 5) a reference to the provisions of the statutes and rules involved.
- b) Except for actions brought jointly by the Department of Public Aid and the Department of Public Health pursuant to Section 104.300, the following provisions apply. If, in an action under 89 Ill. Adm. Code 140.16(a)(2) except in an action initiated pursuant to Section 104.211, or one under 89 Ill. Adm. Code Section 140.16(a)(9) based on a conviction for a violation of the Illinois Public Aid Code, the Department intends to terminate or suspend a vendor's eligibility to participate in the Medical Assistance Program, or terminate (or not renew) a vendor's provider agreement, it shall notify the vendor in writing, setting forth:
  - 1) the reason for the Department's action,
  - 2) the effective date of the action,
  - 3) a statement that the vendor has the opportunity to respond prior to the effective date and a statement of how and to whom such a response should be made,
  - 4) a statement that the action will be effective on such date regardless of whether any hearing requested has been completed,
  - 5) a statement of the right to request a hearing,
  - 6) a statement of the time, place and nature of the hearing,
  - 7) a statement of the legal authority and jurisdiction under which the hearing is to be held, and
  - 8) a reference to the provisions of the statutes and rules involved.
- c) In an action brought jointly against a nursing home (not an ICF/MR facility) by the Illinois Department of Public Aid and the Illinois Department of Public Health pursuant to Section 104.300 in which the



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

Department of Public Aid intends to terminate, suspend or deny the provider agreement, and the Department of Public Health intends to deny certification, the Departments shall notify the vendor in writing, setting forth:

- 1) the reason for the Department's action,
- 2) the effective date of the action,
- 3) a statement that the vendor has an opportunity to respond prior to the effective date and a statement of how and to whom such a response should be made,
- 4) a statement that the action will be effective on such date regardless of whether any hearing requested has been completed,
- 5) a statement of the right to request a hearing,
- 6) a statement that a hearing will be scheduled to take place within 30 days after receipt of a request for hearing,
- 7) a statement of the legal authority and jurisdiction under which the hearing is to be held, and
- 8) a reference to the Sections of the statutes and rules involved.

d) In an action brought jointly against an ICF/MR facility by the Illinois Department of Public Aid and the Illinois Department of Public Health pursuant to Section 104.300 in which the Department of Public Aid intends to terminate, suspend or deny the provider agreement, and the Department of Public Health intends to deny certification, the Departments shall notify the vendor in writing, setting forth:

- 1) the reason for the Department's action,
- 2) a statement of the right to request a hearing prior to the intended action taking effect,
- 3) a statement that a hearing will be scheduled to take place within 30 days after receipt of a request for hearing,
- 4) a statement of the legal authority and jurisdiction under which the hearing is to be held, and
- 5) a reference to the provisions of the statutes and rules involved.

e) The notice shall also inform the vendor, where applicable, that the final administrative decision of the Department could result in suspension for a specific period of time as well as termination.

(Source: Amended at 19 Ill. Reg. 15711, effective NOV 6 1995)

## Section 104.210 Right to Hearing

a) An entity may request a hearing within 10 days after the entity's receipt of the Department's notice of:

- 1) the Department's decision to deny an application (as provided in Section 104.204);
- 2) the Department's intent to recover money (as provided in Section 104.206);
- 3) the Department's intent to terminate or suspend a vendor's

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

eligibility or terminate (or not renew) a vendor's provider agreement (as provided in Section 104.208); or

4) the Department's intent to certify past-due support owed by a responsible relative to a State Licensing agency and the licensing agency's intent to take disciplinary action (as provided in Section 104.209).

- b) A request for hearing must be received by the Department within 10 days of the date on which the vendor received the Department's notice.
- c) This request must be in writing and must contain a brief statement of the basis upon which the Department's action is being challenged.
- d) If such a request is not received within 10 days, or is received but later withdrawn, the Department's decision and the grounds asserted as the basis therefor in the notice shall be a final and binding administrative determination.
- e) In actions initiated pursuant to Section 104.206 or 104.208(b), if a vendor requests a hearing, such a request shall not delay the effective date of action set forth in the Notice. In all other actions initiated pursuant to Sections 104.204 or 104.208(a) or (d), the action shall not take place until the final administrative decision has been issued.
- f) A long term care facility may request a hearing within 60 days after receipt of the Department's notice on any action initiated pursuant to Section 104.208(c) or (d). For a nursing home (not an ICF/MR facility), such request shall not delay the effective date of action set forth in the notice pursuant to Section 104.208(c).

(Source: Amended at 19 Ill. Reg. 15711, effective NOV 6 1995)

## Section 104.270 Time Limits for Hearings

a) Hearings conducted pursuant to 89 Ill. Adm. Code 140.114 and 140.16 shall be scheduled within 30 days of service of the notice served under Sections 104.204 or 104.208(a) and (b).

b) Hearings conducted pursuant to 89 Ill. Adm. Code 140.15 shall be scheduled within 30 days of the completion of the formal conference sessions.

c) Hearings conducted as the result of an action taken pursuant to Section 104.300 shall be scheduled to take place within 30 days after receipt of a request for hearing in accordance with Section 104.208(c) or (d).

(Source: Amended at 19 Ill. Reg. 15711, effective NOV 6 1995)

## Section 104.273 Continuation of Payments During Pendency of Proceedings

The Department will continue to make payments during the pendency of an

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

administrative proceeding when federal or State law or regulation does not require such payments to be withheld, and in the following circumstances:

- a) Federal-or-State-law-or-regulation-does-not-require-such-payments--to-be--withheld--and-by--> If the vendor is a nursing home (not an ICF/MR facility), the Department will continue to make payments up to the termination date established by the Department for services rendered to persons continuously eligible for and receiving Medical Assistance and residing in the home on the date of the Department's notice initiating the administrative proceeding; or
- b) If the vendor is an ICF/MR facility, the Department will continue to make payments for services rendered to persons continuously eligible for and receiving Medical Assistance and residing in the home on the date of the Department's notice initiating the administrative proceeding; or
- c) 2) If the vendor is a hospital, the Department will continue to make payments for services rendered to hospitalized persons who are eligible for and receiving Medical Assistance on the date of the Department's notice initiating the administrative proceeding; or
- d) 3) If the administrative proceeding only relates to recovery of money (and not termination), the Department will continue to process invoices for services rendered by the vendor subject to setoff for recovery of the amount sought in the proceeding; or
- e) 4) If the administrative proceeding only relates to suspension and not termination of eligibility, the Department will continue to make payments for services rendered by the vendor.

(Source: Amended at 19 Ill. Reg. 15711, effective NOV 6 1995)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Newborn Metabolic Screening and Treatment Code
- 2) Code Citation: 77 Ill. Adm. Code 661
- 3) Section Numbers: Adopted Action:

661.10	Amendment
661.15	Amendment
661.20	Amendment
661.30	Amendment
661.35	Amendment
661.40	Amendment
661.50	Amendment
661.70	Amendment
- 4) Statutory Authority: Implementing and Authorized by the Phenylketonuria Testing Act [410 ILCS 240].
- 5) Effective Date of Rulemaking: November 1, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: November 1, 1995
- 9) Notice of Proposal Published in Illinois Register: 19 Ill. Reg. 8526 - June 30, 1995
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: Various editorial, technical and grammatical changes have been made in response to recommendations made by the Joint Committee on Administrative Rules and the Administrative Code Division.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? All changes agreed upon by the Department and the Joint Committee on Administrative Rules have been made.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The Department's genetics program screens all newborns in Illinois for biotinidase deficiency, congenital adrenal hyperplasia, galactosemia, congenital primary hypothyroidism,

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

phenylketonuria (PKU), and sickle cell disease/trait and other hemoglobinopathies. The genetics program also provides comprehensive follow-up services to all infants at-risk and/or diagnosed with one of the above disorders. Early detection of these serious disorders prevents slow or poor physical and mental development and avoids costly rehabilitative services. The rules previously described the responsibility; collection of blood and submission of specimens; interpretation of results; designation of consultants; reports; diagnosis and treatment; exemption; and fee-for-service necessary to help fulfill the Department's newborn screening mandate.

The current trend in hospitals providing maternity services, of discharging babies very early after birth (12 to 24 hours), has made it necessary for the Department's laboratory to utilize more sensitive testing equipment and procedures to detect these genetic disorders. The equipment that was recently replaced did not have the level of sensitivity to reliably detect abnormal levels of PKU for such newborns. This shortcoming made it necessary for all infants with early discharge to return to the hospital for repeat tests. As is to be expected, not all newborns who should be retested return for a follow-up specimen. The new equipment now in use eliminates the need for a repeat screening for all infants discharged between 24 and 48 hours of life.

The rulemaking also increases the fee for screening services provided under these rules from \$20.00 to \$25.00 per infant. This fee increase will provide the monies needed for the new equipment obtained by the Department's laboratory to perform the more sensitive analysis of specimens. The fee increase will also fund comprehensive follow-up services administered by the Department and will allow development, implementation and maintenance of an electronic data system to enable the transfer of screening results and patient demographic information between reporting hospitals and the Department. The \$5.00 increase per infant represents the actual cost of screening, based on the number of births in the State for FY96 and an analysis repeat rate of 49 percent. This repeat rate refers to a second analysis on a blood sample that has already been submitted and is not an additional charge to the patient.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Gail M. DeVito  
Division of Governmental Affairs  
Illinois Department of Public Health  
535 West Jefferson Street, Fifth Floor  
Springfield, IL 62761  
(217) 782-6187

The full text of the Adopted Amendment begins on the next page:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER I: MATERNAL AND CHILD HEALTH

## PART 661

## NEWBORN METABOLIC SCREENING AND TREATMENT CODE

Section	
661.10	Responsibility
661.15	Definitions
661.20	Collection of Blood and Submission of Specimens
661.30	Interpretation of Results
661.35	Designation of Consultants
661.40	Reports
661.50	Diagnosis and Treatment
661.60	Exemption
661.70	Fee Assessment and Payment

AUTHORITY: Implementing and authorized by the Phenylketonuria Testing Act (410 ILCS 240).

SOURCE: Adopted December 14, 1973; emergency rules at 3 Ill. Reg. 28, p. 224, effective June 28, 1979, for a maximum of 150 days; rules repealed and new rules adopted at 3 Ill. Reg. 48, p. 42, effective November 20, 1979; amended at 5 Ill. Reg. 4593, effective April 15, 1981; amended and codified at 8 Ill. Reg. 19041, effective September 26, 1984; amended at 11 Ill. Reg. 12921, effective August 1, 1987; amended at 13 Ill. Reg. 15079, effective October 1, 1989; amended at 14 Ill. Reg. 13292, effective August 15, 1990; amended at 17 Ill. Reg. 13609, effective August 1, 1993; amended at 19 Ill. Reg. 15720, effective NOV 1 1995.

## Section 661.10 Responsibility

- a) The physician in attendance at or immediately after the birth of the newborn infant shall have primary responsibility for seeing that a specimen of the infant's blood is screened in accordance with this part. Newborn screening consists of testing for phenylketonuria (PKU), primary hypothyroidism, galactosemia, congenital adrenal hyperplasia, and biotinidase deficiency and sickle cell disease/trait. A single blood specimen meeting the requirements for testing for phenylketonuria (See Section 661.20) shall suffice for these tests. The physician may delegate this responsibility to the hospital administrator or to the administrator's designated representative, such as a member of the pediatric staff, the laboratory director, the obstetrical supervisor, or other hospital official. When a retest is determined to be necessary pursuant to Section 661.30 of this Part the Illinois Department of Public Health shall notify the physician or his designee who is responsible for obtaining another specimen and



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

having-the-specimen-tested:

- b) If the infant is not born in or admitted to a hospital or when there is no physician in attendance at or immediately after the birth, the physician caring for the infant during the first month of life shall be the individual responsible for seeing that a blood specimen for newborn screening is submitted. When there is no physician caring for such an infant during this period, the parents or guardian are responsible. Local ~~or-state~~ health authorities or the Department shall assist the parents or guardian in having a blood specimen submitted for testing.
- c) All specimens collected pursuant to this Part shall be submitted for testing to the Newborn Screening ~~Metabolic-Diseases~~ Section, Division of Laboratories, Illinois Department of Public Health, 2121 West Taylor Street, Chicago, Illinois 60612.
- d) When a retest is determined to be necessary pursuant to Section 661.30 of this Part, the Illinois Department of Public Health shall notify the physician or his designee who is responsible for obtaining another specimen and having the specimen tested.

(Source: Amended at 19 Ill. Reg. 15720, effective NOV 1 1995)

## Section 661.15 Definitions

"Act" means ~~"AN-Act--concerning--the-disease-of-phenylketonuria-and other-metabolic-diseases--designating-certain-powers--and--duties--in relation--thereof--providing-penalties-for-violation--thereof--to-repeat an--Act--therein-named--and--to-make--an-appropriation-in-connection therewith--"~~ the Phenylketonuria Testing Act (410 ILCS 240).

"Advisory Committee" means the Genetic and Metabolic Diseases Advisory Committee appointed by the Director.

"Department" means the Department of Public Health.

"Director" means the Director of the Department of Public Health.

"Newborn Screening" or "testing" means the testing of a blood sample for phenylketonuria (PKU), primary hypothyroidism, galactosemia, congenital adrenal hyperplasia, and biotinidase deficiency and sickle cell disease/trait.

"PKU" means phenylketonuria.

"Using known statistical techniques" means a standard is developed on each batch rather than using a constant known standard.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 19 Ill. Reg. 15720, effective NOV 1 1995)

## Section 661.20 Collection of Blood and Submission of Specimens

Newborn Screening shall be performed on a single blood specimen which meets the following requirements of testing for phenylketonuria.

- Every infant regardless of age shall have a specimen collected prior to discharge from the hospital.
- Infants who leave the hospital before they are at least 24 48 hours of age shall have a blood specimen drawn for testing before discharge. A second blood specimen for testing shall be obtained on such infants by the 5th day before-the-third-week of life by the attending physician or his designee as provided in Section 661.10(d) ~~for~~.
- Specimens shall be collected no earlier than 24 48 hours after birth from those infants not discharged before 24 48 hours of age.
- Specimens from infants requiring parenteral feeding or from premature infants should be obtained after their condition has stabilized as determined by the attending physician. It is suggested that such infants be tested initially on or near the 7th day of life.
- For infants not born in hospitals or not admitted to a hospital during the neonatal period (under 28 days of age), a blood specimen shall be collected by the 5th day before-the-third-week of life and no earlier than 24 48 hours after birth.
- The completed collection form (See Section 661.40) with a blood specimen shall be submitted for testing to the Newborn Screening ~~Metabolic---Diseases~~ Section, Division of Laboratories, Illinois Department of Public Health, 2121 West Taylor Street, Chicago, Illinois 60612.
- Blood specimens must be submitted to the Department laboratory no later than 48 hours after collection and shall be examined by the Department laboratory within five days of receipt.

(Source: Amended at 19 Ill. Reg. 15720, effective NOV 1 1995)

## Section 661.30 Interpretation of Results

- Phenylketonuria
  - Normal A phenylalanine levels shall be established using known statistical techniques. ~~level-below-4-mg/dl-(mittingram/deciliter)~~ is-considered-negative-for-PKU-and-no-action-is-necessary-
  - When the blood phenylalanine level is deemed to be above normal 4 mg/dl-or-above, there is the possibility of phenylketonuria and a repeat test shall be performed on the same sample. If the second PKU determination is above normal, the physician or his designee shall be notified immediately by telephone by the Department. The ~~Illinois~~ Department ~~of--Public--Health~~ shall notify the

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

infant's physician or his designee immediately by telephone.

- A) If the repeat test is normal ~~below 4-mg/dl~~, the test will be considered negative and no action is necessary.
- B) If the repeat test is again above normal ~~4-mg/dl or above~~, the case shall be referred to a designated consultant for a quantitative phenylalanine determination and other diagnostic studies as determined by the consultant.

## b) Primary Hypothyroidism

- 1) Neonatal levels for thyroid stimulating hormone (TSH) vary with gestational age, birthweight, time of collection and in response to concurrent medical problems. Normal TSH levels shall be established using known statistical techniques.

- 2) When the TSH determination is deemed to be above normal, a second TSH, and also a thyroxin (T4), determination shall be performed on the same sample. If the second TSH determination is above normal high, the physician or his designee shall be notified immediately by telephone by the ~~Illinois~~ Department of ~~Public Health~~. The Department shall recommend referral of the infant to a designated pediatric endocrinologist for further evaluation for primary hypothyroidism and additional serum testing for thyroid function when high levels are found.

## c) Galactosemia

- 1) Laboratory tests for galactosemia may be performed by testing for galactose and galactose-1-phosphate or ~~are designed to detect a deficiency of the galactose-1-phosphate uridyl transferase enzyme~~. Normal test results indicate a normal level of galactose and galactose-1-phosphate or the presence of the enzyme. Test results are abnormal when the levels of galactose and galactose-1-phosphate are above the normal range or the presence of the enzyme is not indicated.

- 2) When the first determination ~~of the enzyme~~ is deemed abnormal, a second determination shall be performed on the same sample. If the second determination is abnormal, the physician or his designee shall be notified immediately by telephone by the Department and recommendations shall be given to change the diet of the infant to a lactose free diet. ~~A second specimen shall be resubmitted on a filter paper.~~ The Department shall recommend referral of the infant to a designated consultant for a quantitative determination of galactose and further diagnostic studies.

- 3) ~~If the submitted specimen is again abnormal, the case shall be referred to a designated consultant for a quantitative determination of the enzyme and further diagnostic studies.~~

## d) Congenital Adrenal Hyperplasia (secondary to 21-hydroxylase deficiency)

- 1) Neonatal levels for 17-hydroxyprogesterone vary with gestational age, birthweight, time of collection and in response to concurrent medical problems. Normal 17-hydroxyprogesterone

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- levels shall be established using known statistical techniques.
- 2) When the 17-hydroxyprogesterone determination is deemed to be above normal, a second 17-hydroxyprogesterone, determination shall be performed on the same sample. If the second 17-hydroxyprogesterone determination is high, the physician or his designee shall be notified immediately by telephone by the ~~Illinois~~ Department of ~~Public Health~~. The Department shall recommend referral of the infant to a designated pediatric endocrinologist for further evaluation for congenital adrenal hyperplasia and ~~additional serum testing when high levels are found~~.

## e) Biotinidase Deficiency

- 1) Laboratory tests for biotinidase deficiency are designed to detect a deficiency of the biotinidase enzyme. Normal test results indicate the presence of the enzyme. Test results are abnormal when the presence of the enzyme is not indicated.

- 2) When the first determination of the enzyme is deemed abnormal, a second determination shall be performed on the same sample. If the second determination is abnormal, the physician or his designee shall be notified immediately by telephone. A second specimen shall be resubmitted on filter paper.

- 3) If the resubmitted specimen is again abnormal, the case shall be referred to a designated consultant for a quantitative determination of the enzyme and further diagnostic studies.

## f) Sickle Cell Disease/Trait

- A test will be used to determine the presence of the hemoglobins A, F, S, C and other hemoglobins.

- 1) When F and S hemoglobins are detected on the same specimen, the Department shall recommend referral to a designated consultant for follow-up and counseling.

- 2) When F, S and C hemoglobins are detected on the same specimen, the Department shall recommend referral to a designated consultant for follow-up and counseling.

- 3) When F, A and C hemoglobins or F, A and S hemoglobins are detected on the same specimen, the Department shall recommend counseling by the attending physician or another qualified counselor.

- 4) When adult A hemoglobin is detected as the predominant component and the specimen was collected at less than 2 weeks of age, it will be assumed that the infant received a blood transfusion and a report indicating such will be made. A specimen should be drawn from all such infants after 3 months.

(Source: Amended NOV 1 1995 19 Ill. Reg. 15720, effective )



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- a) The Chief of the Division of Family Health with the advice of the Director of the Division of Specialized Care for Children ~~Services-for~~ ~~crippled--children~~ University of Illinois, and the Advisory Committee, shall designate and distribute lists of qualified professionals to serve as Consultants to specified subprograms within the Genetics Section Genetic-Diseases-Program.

- b) Equivalency in all qualifications specified in this section shall be determined by the Chief of the Division of Family Health with the advice of the Director of the Division of Specialized Care for Children ~~Services-for--crippled-children~~ University of Illinois, and the Advisory Committee.

- c) The minimum qualifications required for designation as a consultant are a license to practice medicine in all its branches in Illinois, certification by the American Board of Pediatrics or equivalent board from another country and employment within a medical school setting. In addition, to be designated to serve specified subprograms, Consultants shall also have the following qualifications:

- 1) Phenylketonuria (PKU): ~~shall--have~~ at least three years experience in diagnosis and treatment of cases with PKU and inborn errors of metabolism, and shall have available on a daily basis, a support staff of nutritionists and social workers who are experienced in and assigned to the treatment of these children with phenylalanine restricted diets.
- 2) Primary Hypothyroidism: ~~shall--have~~ training in pediatric endocrinology with membership in the Lawson Wilkins Pediatric Endocrinology Society or certification of special competence in Pediatric Endocrinology by the American Board of Pediatrics or an equivalent board from another country.
- 3) Galactosemia: ~~shall--have~~ at least three years of experience in diagnosis and treatment of children with galactosemia and inborn errors of metabolism.
- 4) Congenital Adrenal Hyperplasia: ~~shall--have~~ training in Pediatric Endocrinology with membership in the Lawson Wilkins Pediatric Endocrinology Society or certification of special competence in Pediatric Endocrinology by the American Board of Pediatrics or an equivalent board from another country.
- 5) Biotinidase Deficiency: ~~shall--have~~ at least three years of experience in the diagnosis and treatment of children with biotinidase deficiency and inborn errors of metabolism.
- 6) Sickle Cell Disease: ~~shall--have~~ training in pediatric hematology.

(Source: Amended at 19 Ill. Reg. 15720, effective NOV 1 1995)

## Section 661.40 Reports

- a) Only collection forms with attached filter paper blood collectors

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

supplied by the Division of Laboratories, Illinois Department of Public Health, 2121 West Taylor Street, Chicago, Illinois 60612 are to be used in submitting blood specimens for newborn screening.

- b) Any hospital performing the required newborn screening tests in addition to submitting specimens to the Illinois Department of Public Health Laboratory shall comply with all requirements of this Part, and shall notify the ~~Illinois~~ Department of ~~Public-Health~~ immediately by telephone whenever:

- 1) the initial and repeat phenylalanine levels are ~~4-mg/dl-or~~ above normal;
- 2) the initial and repeat T4 determinations are low or TSH determinations are high;
- 3) the initial and repeat galactose/galactose-1-phosphate or galactose-1-phosphate uridyl transferase determinations are abnormal;
- 4) the initial and repeat 17-hydroxyprogesterone determinations are high;
- 5) the initial and repeat biotinidase enzyme determinations are abnormal;
- 6) the presence of A, F, S and C hemoglobins are detected.

(Source: Amended at 19 Ill. Reg. 15720, effective NOV 1 1995)

## Section 661.50 Diagnosis and Treatment

The Department shall also maintain a registry to record the results of diagnosis and treatment for those cases in which abnormal findings were noted on the screening tests.

- a) Phenylketonuria. Dietary therapy shall not be instituted until a quantitative serum phenylalanine determination to corroborate the positive screening test has been performed under the direction of a designated consultant to establish the diagnosis of phenylketonuria. The necessary medically prescribed treatment product shall be supplied by the Department for diagnosed cases as long as medically indicated. Long term follow up of phenylketonuria children is necessary to adjust diet and to assess growth and development.
- b) Primary Hypothyroidism. Replacement therapy with thyroid hormone is required. Long term follow up of primary hypothyroid children is necessary in order to adjust medication and to assess growth and development.
- c) Galactosemia. Therapy with a lactose free diet is required. Long Term follow up of children with galactosemia is necessary in order to ensure proper growth and development.
- d) Congenital Adrenal Hyperplasia. Replacement therapy with corticosteroids is required. Long-term follow-up of congenital adrenal hyperplasia children is necessary in order to adjust medications and to assess growth and development. Other medications



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

may be necessary.

e) Biotinidase Deficiency. Therapy with biotin is required. Long-term follow-up of children with biotinidase deficiency is necessary in order to ensure proper growth and development.

f) Sickle Cell Disease/Trait. Antibiotic prophylaxis is required after a definitive diagnosis has been made of sickle cell disease by a designated consultant. For families of infants with sickle cell trait every effort shall be made to assure that genetic and supportive counseling is available.

(Source: Amended at 19 Ill. Reg. 15720, effective NOV 1 1995)

## Section 661.70 Fee Assessment and Payment

a) Each person who submits to the Department any sample for newborn screening shall be assessed a fee of \$25.00 ~~\$20.00~~ for such analysis unless specimens are requested by the Department for follow-up purposes. Samples for applicants and recipients of public assistance under the Public Aid Code [305 ILCS 5] shall not be assessed a fee.

b) Statements of fee assessment shall be mailed to persons submitting specimens for analysis on a monthly basis.

c) Payment shall be rendered to the Department upon receipt of the monthly statement of fee assessment.

(Source: Amended at 19 Ill. Reg. 15720, effective NOV 1 1995)

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Assessment for Determining Eligibility and Rehabilitation Needs

2) Code Citation: 89 Ill. Adm. Code 553

3) Section Numbers: Adopted Action:

553.130 Amendments

553.140 Amendments

553.150 New Section

4) Statutory Authority: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b), and (k)].

5) Effective Date of Rulemaking: November 7, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: November 7, 1995

9) Notice of Proposal Published in Illinois Register: June 2, 1995, 19 Ill. Reg. 7305

10) Has JCARE issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: Numerous First Notice technical changes recommended by JCARE were incorporated.

Substantive Second Notice changes recommended by JCARE were incorporated, as enumerated below:

1. In line 95, deleted "Once"; changed "an" to "An"; after "individual" inserted "who"; and changed "has" to "had" twice.

2. In line 96, after "Services" added "before the effective date of this amendatory rulemaking or is determined eligible and begins to receive services thereafter"; and deleted "he/she".

3. In line 97, deleted "he/she"; and changed "completes" to "completion of".

12) Have all the changes agreed upon by the agency and JCARE been made as indicated in the agreement letter issued by JCARE? No

13) Will this rulemaking replace an emergency rule currently in effect? No

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 14) Are there any amendments pending on this Part? NO
- 15) Summary and Purpose of Rulemaking: The amendments prescribe DORS' Order of Selection as required by the Rehabilitation Act of 1973, as amended (29 U.S.C. 701-796(i)) as DORS has determined it does not have the resources to provide Purchased Services to all individuals in the State. These amendments define the categories for the priority to receive Purchased Services and how individuals are determined to be in each category.

The amendments also clarify that DORS has determined it has the resources to provide Non-purchased Services to all eligible individuals in the State.

The amendments define the terms "Purchased Services" and "Non-purchased Services".

- 16) Information and questions regarding these adopted amendments shall be directed to:

Ms. Susan Warner, Manager  
Regulations and Procedures Division  
Department of Rehabilitation Services  
P.O. Box 19429  
Springfield, IL 62794-9429  
(217) 785-3896 or TTY: (217) 785-9301

The full text of the Adopted Amendment begins on the next page:

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES  
SUBCHAPTER b: VOCATIONAL REHABILITATION

## PART 553

ASSESSMENT FOR DETERMINING ELIGIBILITY AND  
REHABILITATION NEEDS

Section	
553.10	General Applicability
553.20	Basis for the Determination of Eligibility
553.30	Presumption of Benefit from Vocational Rehabilitation Services
553.35	Services to Non-United States Citizens
553.40	Eligibility Determination Time Frames
553.50	Outcome of the Eligibility Determination
553.60	Documentation of Eligibility Factors/Preliminary Assessment
553.70	Certification of Eligibility
553.80	Extended Evaluation
553.90	Outcome of Extended Evaluation
553.100	Comprehensive Assessment of Rehabilitation Needs
553.105	Assistance in Attaining Necessary Financial Support
553.110	Outcome of the Comprehensive Assessment of Rehabilitation Needs
553.120	Change in Eligibility Status
553.130	Order of Selection
553.140	Criteria for Severe Disability and Most Severe Disability
553.150	Determination of Serious Limitation to Functional Capacities

AUTHORITY: Implementing and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Emergency rules adopted at 17 Ill. Reg. 11657, effective July 1, 1993, for a maximum of 150 days; adopted at 17 Ill. Reg. 20346, effective November 15, 1993; amended at 18 Ill. Reg. 1834, effective February 6, 1995; amended at 19 Ill. Reg. **15730**, effective **NOV 7 1995**.

## Section 553.130 Order of Selection

- a) For the purposes of this Section, the following terms shall have the following meanings:

- 1) Purchased Services - those services provided to eligible individuals having a direct and attributable cost to DORS. These services are those authorized for and paid for by DORS out of VR case service funds; and
- 2) Non-purchased Services - those services provided to eligible individuals for which there is no expenditures of VR case service funds.

- b) Pursuant to the provisions of the Rehabilitation Act of 1973, as amended (29 U.S.C. 701 - 796(i)), DORS has established the following

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Order of Selection for the priority of provision of services to eligible individuals which counselors must follow when purchasing services for customers: ~~After the Comprehensive Assessment (89-111-Adm-Code-553-1087, counselors must follow the order of selection in purchasing services for individuals. Individuals shall be serviced in the following order of priority:~~

- 1) those individuals determined to have the most severe disabilities;
- 2) ~~et~~ those individuals determined to have with severe disabilities;
- 3) ~~et~~ individuals determined to have with non-severe disabilities who are public safety officers and civil employees who are injured in the line of duty;
- 4) ~~et~~ individuals determined to have with non-severe disabilities who are recipients of public assistance;
- 5) ~~et~~ all other individuals determined to have with non-severe disabilities.

c) For the purposes of administering services under the Order of Selection, DORS has determined that current funding levels allow:

- 1) Purchased Services to be provided to eligible individuals in the categories established in subsections (b)(1) and (2), above; and
- 2) Non-purchased Services to be provided to all eligible individuals.

d) Eligible individual in subsections (b)(3), (4), and (5), above, may at his/her choice be placed on a waiting list for Purchased Services, rather than accepting only Non-purchased Services. The waiting list will be maintained by DORS and Purchased Services offered if the Director of DORS or designee determines funding is available to provide Purchased Services to the priority group to which the customer has been assigned and in accordance with the provisions of subsection (e), below.

e) DORS administration shall review statewide funding levels on a quarterly basis and based on availability of funding, Purchased Services may be provided to eligible individuals in addition to those as described in subsections (b)(1) and (2), above. If, based on this review, the Director or designee determines that funding is available in excess of that required to provide services to all individuals in the State who are in the priority categories listed in subsections (b)(1) and (2), above, DORS will offer services to additional eligible individuals based on the following:

- 1) services will first be offered to eligible individuals in the next highest priority category;
- 2) eligible individuals within a specific category being offered services will be offered services chronologically based on the date the individual was determined eligible to receive services; and
- 3) services will be offered and provided to additional eligible individuals until DORS determines current funding levels do not allow the expansion of services to other categories.

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

f) An individual who was determined eligible and began to receive Purchased Services before the effective date of this amendatory rulemaking, or is determined eligible and begins to receive services thereafter, will be eligible to continue to receive services until completion of his/her rehabilitation program, regardless of changes made by DORS to its Order of Selection of priority of services.

g) Once an eligible individual is assigned to a specific priority of service category, his/her category assignment may be changed to a higher priority category, if justified based on new information relating to his/her disability and documented in the customer's case file, but shall not be moved to a category of lower priority.

(Source: Amended at 19 Ill. Reg. 15730, effective NOV 7 1995 )

## Section 553.140 Criteria for Severe Disability and Most Severe Disability

a) Criteria for determining that the individual has a severe disability or a most severe disability must be in the individual's VR case file, stated and justified in the Assessment Summary (89 Ill. Adm. Code 553.70 and 89 Ill. Adm. Code 553.110) based on the following information: ~~All--four--of--the--following--criteria--must--exist--for--an individual--to--be--considered--an--individual--with--a--severe--disability--~~ To be considered an individual with a most severe disability, the individual must meet all of the criteria listed in subsection (c), below, with the exception that the customer's disability must seriously limit three or more of the functional capacities, as listed in Section 553.130 of this Part.

c) To be considered an individual with a severe disability, he/she must have a disability which is determined by the rehabilitation counselor/instructor to meet all four of the following criteria:

- 1) The severe disability seriously limits one or more of the individual's functional capacities, as listed in Section 553.150 of this Part.

e2) The individual has a disability or combination of disabilities determined by an evaluation of rehabilitation potential to cause a substantial physical or mental impairment similar but not limited to the following list of disabilities ~~severe-physical-or-mental-impairment-resulting-from:~~

- A) ~~et~~ amputation,
- B) ~~et~~ arthritis,
- C) ~~et~~ autism,
- D) ~~et~~ blindness,
- E) ~~et~~ burn injury,
- F) ~~et~~ cancer,
- G) ~~et~~ cerebral palsy,
- H) ~~et~~ cystic fibrosis,
- I) ~~et~~ deafness,



## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- J)10+ head injury,  
K)11+ heart disease,  
L)12+ hemiplegia,  
M)13+ hemophilia,  
N)14+ respiratory or pulmonary dysfunction,  
O)15+ mental retardation,  
P)16+ mental illness,  
Q)17+ multiple sclerosis,  
R)18+ muscular dystrophy,  
S)19+ musculo-skeletal disorders,  
T)20+ neurological disorders (including stroke and epilepsy,  
U)21+ paraplegia,  
V)22+ quadriplegia (and other spinal cord conditions),  
W)23+ sickle cell anemia,  
X)24+ specific learning disabilities, or  
Y)25+ end stage renal failure disease, or  
26+ another disability or combination of disabilities if it is determined by an evaluation of rehabilitation potential to cause a comparable degree of substantial impairment to the specific list of disabilities above.
- b) The severe disability seriously limits one or more of the individual's functional capacities such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance and work skills.
- 3)c) Three or more Multiple VR services, which may include counseling and guidance services provided by the rehabilitation counselor/instructor, will be required to ensure the individual a successful employment outcome.
- 4)d) VR services will be required over an extended period of time. An extended period of time for the purposes of the VR Program is defined as 6 months or more.

(Source: Amended at 19 Ill. Reg. 15730, effective NOV 7 1995)

## Section 553.150 Determination of Serious Limitation to Functional Capacities

- a) For the purpose of determination of severe and most severe disabilities, functional capacities shall include:
- 1) mobility - the ability of an individual to move from place to place and move the body into certain positions (e.g., walking, climbing, kneeling, stooping, sitting, standing);
  - 2) self-care - the ability of an individual to perform activities related to his/her health and hygiene (e.g., grooming, bathing, eating, house keeping, medical management, money management);
  - 3) self-direction - the ability of an individual to control and regulate his/her own personal, social, and work life (i.e., maintain schedules and routines, follow directions and established rules, organizational skills, etc.);

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 4) work skills - the ability of an individual to perform jobs which exist in the current employment market, regardless of demand for the particular occupation (e.g., learn and maintain work skills, cooperate with others in a work setting, use adequate decision making and problem solving skills);
- 5) work tolerance - the ability of an individual to consistently and adequately perform a job based on the job's physical, emotional, environmental, and psychological demands of the position (e.g., performance on the job is not adversely affected by changes in environment such as cold and heat, has the strength and endurance to perform the job in question);
- 6) interpersonal skills - the ability of an individual to establish and maintain appropriate relationships with other individuals in the work place (e.g., necessary communications, appropriate and acceptable behavior, ability to cooperate in a team setting, understanding, tact); and
- 7) communication - the ability to convey and receive information efficiently and effectively (e.g., ability to hear and understand ordinary spoken language; ability to make one's self understood in ordinary conversation; ability to write or print short notes and communications; and ability to read and correctly interpret short notes, signs, and instructions).
- b) A serious limitation to a functional capacity shall exist when it is determined by the rehabilitation counselor/instructor that the customer, because of his/her disability, has functional limitations in performing the major components of the activity or activities listed in subsections (a)(1) through (7), above, or needs accommodation.

(Source: Added NOV 7 1995 19 Ill. Reg. 15730, effective \_\_\_\_\_)

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Non-Academic Programs and Policies2) Code Citation: 89 Ill. Adm. Code 8303) Section Numbers: Adopted Action:

830.10 Amended

830.15 New Section

830.20 Amended

830.30 Amended

830.35 Amended

830.40 Amended

830.50 Amended

830.60 Amended

830.80 Amended

830.90 Amended

830.100 Amended

830.110 Amended

830.120 Amended

830.130 Amended

830.140 Amended

830.150 Amended

830.160 New Section

830.170 New Section

830.180 New Section

4) Statutory Authority: Implementing Sections 10 and 11 and authorized by Section 3 of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, pars. 3441, 3442, and 3434 (f)) (20 ILCS 2405/10, 11 and 3f).

5) Effective Date of Rulemaking: November 7, 19956) Does this rulemaking contain an automatic repeal date? No7) Does this rulemaking contain incorporations by reference? No8) Date Filed in Agency's Principal Office: November 7, 19959) Notice of Proposal Published in Illinois Register: June 2, 1995, 19 Ill Reg 731210) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: First Notice changes included numerous technical changes and the following substantive changes:

1. In line 8, changed "Account" to "Funds".

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

2. In line 68, added "(CUSAS)" after "System".

3. In line 189, strike Ill. Rev. Stat.

4. In line 190, corrected ILCS.

5. In line 191, corrected Code title.

6. In line 202, corrected ILCS, also lines 235 and 306.

7. In line 304, corrected Act title.

The following changes were made during Second Notice:

1. In line 188, before "in compliance" add "1)" and move text to proper indent level.

2. In line 194, change "1" to "A".

3. In line 196, changed "2" to "B".

4. In line 200, change "3" to "2".

5. In line 202, insert a comma before "if".

6. In line 203, strike the comma after "written" and add "or".

7. In line 211, change "4" to "3".

8. In line 602, change "account" to "fund".

9. In line 621, change "DORS school" to "ISD and ISVI".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: The sections were amended or written in response to legislation "PA 88-91" that allowed local school entities to collect fees. Previously adopted sections were modified as needed whereas sections 830.160, 830.170 and 830.180 were written to ensure the Department of Rehabilitation schools' policies regarding the collection of fees from their student population and the general public were in agreement with PA 88-91.

16) Information and questions regarding these adopted amendments shall be directed to:

Name: Ms. Susan Warner, Manager

Address: Regulations and Procedures Division

Department of Rehabilitation Services

PO Box 19429

Springfield, Illinois 62794-9429

Telephone: (217) 785-39896

TTY: (217) 785-9301

The full text of the Adopted Amendment begins on the next page:

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
 CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES  
 SUBCHAPTER f: EDUCATION FACILITIES

PART 830  
 NON-ACADEMIC PROGRAMS AND POLICIES

Section	
830.10	The Taking and Using of Students' Photographs
830.15	Locally Held Funds
830.20	Needy Student Fund
830.30	Student Trust Fund
830.35	Student Activity Fees
830.40	Valuables
830.50	Health Services
830.60	Search and Seizure
830.70	Rights and Responsibilities of School Staff
830.80	Food and Nutrition
830.90	Safety and Sanitation
830.100	Donations
830.110	Release of Students to Authorized Individuals
830.120	Use of Motor Vehicles by Students
830.130	Student Activities Requiring Approval of Parents/Guardians
830.140	Visits to Schools
830.150	Behavior Intervention
830.160	Profit on Sales from Commissary Stores
830.170	Receipts from Athletic, Musical and Other Events
830.180	Transportation Fund

AUTHORITY: Implementing Sections 10 and 11 and authorized by Section 3(f) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/10, 11 and 3(f)].

SOURCE: Adopted at 11 Ill. Reg. 15097, effective September 16, 1987; amended at 12 Ill. Reg. 14304, effective August 29, 1988; amended at 15 Ill. Reg. 6272, effective April 15, 1991; amended at 15 Ill. Reg. 17370, effective November 19, 1991; amended at 17 Ill. Reg. 6248, effective April 5, 1993; amended at 18 Ill. Reg. 14240, effective September 1, 1994; amended at 19 Ill. Reg. 15737, effective NOV 7 1995.

**Section 830.10 The Taking and Using of Students' Photographs**

- a) Department of Rehabilitation Services (DORS) employees will not be permitted to take or use a photograph of a student which would demean or embarrass the student or would not be considered by reasonable viewers to represent the student in a positive or favorable manner. Photographs of a student will only be taken or used by a DORS employee when the permission of the student's parent or guardian, or the student (when the student is 18 or over ~~18~~) has been obtained.

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- b) The superintendent of the school (or the superintendent's designee) shall not authorize any person(s) not employed by DORS to photograph a student on campus, nor will the school provide a photograph to such a person(s) unless the superintendent or designee knows the purpose for which the picture will be used and has assurance that that person(s) will observe the standards as set forth in subsection (a). Insofar as possible, photographs of a student will only be taken or used when the permission of the student's parent or guardian, or the student (when the student is 18 or over ~~18~~) has been obtained.

(Source: Amended at 19 Ill. Reg. 15737, effective NOV 7 1995)

**Section 830.15 Locally Held Funds**

- a) Pursuant to 20 ILCS 2405/13(i), Illinois School for the Deaf (ISD), Illinois School for the Visually Impaired (ISVI), and Illinois Center for Rehabilitation and Education - Roosevelt (ICRE-R) shall each maintain accounts of locally held funds for the purpose of providing benefits, amusement, and special services to students of each school.
- b) Locally held funds are non-appropriated monies received by either ISD, ISVI, or ICRE-R from any source including grants, bequests, and gifts.
- c) All locally held funds shall be established and all activity regarding the funds reported pursuant to Section 33.10 of the Comptroller's Unified Statewide Accounting System (CUSAS).

(Source: Added at 19 Ill. Reg. 15737, effective NOV 7 1995)

**Section 830.20 Needy Student Fund**

- a) Each school shall maintain a Needy Student Fund to provide for the special comfort, pleasure and amusement of the students, or for ~~clothing, personal items, and various activities and support for~~ students having little or no personal financial resources ~~finances~~.
- b) All interest and income earned on student trust funds and funds specifically donated for the purpose of providing support for students having little or no personal financial resources shall be deposited in this fund.
- c) Expenditures from this fund may be authorized by the superintendent (or the superintendent's designee) at the request of a student and/or staff member for the purposes stated in subsection (a). In determining whether to authorize expenditures from the Needy Student Fund, the superintendent shall consider the amount of funds available, the purpose of the expenditure, and the needs and resources of the student. Documentation of all expenditures must be maintained.
- d) These funds ~~this fund~~ and the ~~its~~ records pertaining to such funds shall be subject to audit by DORS' ~~the~~ internal auditors ~~of~~ ~~DORS~~ and



## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

by the State--of--Illinois Auditor General of the State of Illinois  
General's-office.

(Source: Amended at 19 Ill. Reg. 15737, effective  
NOV 7 1995)

## Section 830.30 Student Trust Fund

- a) Students are encouraged not to keep substantial amounts of money, based on the age and maturity level of each student, on their persons or in their rooms, but to deposit it in the Student Trust Fund. Money can be deposited in the Student Trust Fund by the student or parents in person or by mail. A receipt shall be provided to the depositor.
- b) Any restrictions or special considerations which the parents or guardians wish to apply to the student's withdrawals from the Trust Fund must be communicated in writing to the superintendent (or the superintendent's designee) each year or when changes are to be made.
- c) Students may make withdrawals, subject to any limitations the parents have imposed as set forth in subsection (b), of their money from the Trust Fund in increments of their choosing. However, if a student requests an unusually large amount, based on the age and maturity level of each student--for--no-apparent-reason, he or she shall be asked to explain the need and the parents will be contacted before the request will be approved. A dated, signed form acknowledging receipt must be completed at the time of withdrawal.
- d) Parents or the students will be informed of the student's balance in the fund on a quarterly basis.
- e) The Student Trust Fund is subject to the usual accounting controls (74 Ill. Adm. Code 245) and to audits by DORS' internal auditors and by the Auditor General of the State of Illinois the--internal-Audit-Unit of--DORS--and--by--the--State--of--Illinois-Auditor-General's-office.

(Source: Amended at 19 Ill. Reg. 15737, effective  
NOV 7 1995)

## Section 830.35 Student Activity Fund

- a) Student activity fees are \$30 per year for high school students and \$20 per year for elementary school students. These fees should be paid at the beginning of the school year. The Needy Student Fund is available to assist in paying a student's activity fees, in accordance with Section 830.20.
- b) All student activity fees shall be placed in a locally held fund and may be spent for the special comfort, pleasure, and amusement of the students. Documentation of all expenditures must be maintained.
- c) These funds and the records pertaining to such funds shall be subject to audit by DORS' internal auditors and by the Auditor General of the State of Illinois.

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 19 Ill. Reg. 15737, effective  
NOV 7 1995)

## Section 830.40 Valuables

The school school has no responsibility or authority to provide funds to replace or repair the student's personal valuables, e.g., jewelry, radios, televisions, tape recorders, which are lost, damaged, or stolen unless due to staff negligence.

(Source: Amended at 19 Ill. Reg. 15737, effective  
NOV 7 1995)

## Section 830.50 Health Services

- a) The Illinois Center for Rehabilitation and Education - Roosevelt (ICRE-R) Children's-School-and-Rehabilitation-Center-(IESRE) provides comprehensive medical, nursing, physical therapy, occupational therapy and nutrition services, complete with both prescription and non-prescription medications, supplies and devices for its students.
- b) The Illinois School for the Deaf (ISD) and the Illinois School for the Visually Impaired (ISVI) provide part-time physicians, full-time nurses, such basics as cough medicine, bandages, and cotton swabs, and services of occupational and physical therapists to handle the health and treatment programs for their students. In addition, a seven day a week infirmary is provided at ISD to serve the students of ISD and ISVI who are too ill to stay in the dormitory, but not ill enough to require hospitalization.
- c) Each school will provide assistance to parents in locating sources of, or arranging for, needed medical services which are beyond those described in subsections (a) or (b) above, providing there is a clear understanding that the school will not pay or be responsible for such services.
- d) If a student receives medical treatment other than that prescribed by school health officials, the parents/guardian must inform school staff of such treatment and provide written medical information pertinent to that treatment.
- e) Each school shall comply with Section 27-8.1 of the School Code (105 ILCS 5/27-8.1) in matters pertaining to immunization of its students. In addition, at the direction of the school's physician and superintendent, authorized medical staff at the school shall immunize students for communicable diseases provided:
- 1) the Illinois Department of Public Health (DPH) recommended the immunization due to a time limitation or unusual situation;
  - 2) the local public health agency provides the vaccine at no cost to the school or the superintendent determines, in consultation with the school physician, an emergency situation exists and the need

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

is so urgent that the vaccine should be purchased from school funds; and

- 3) the parents have given their consent, if the student is under 18 years of age, or the student has given his or her consent, if the student is 18 years old or older.

## f) HIV Testing.

- 1) In compliance with the AIDS Confidentiality Act (~~§§ 11-12~~ ~~Rev. Stat. 1991-CH-11-12~~ ~~Par. 7301-7305~~ ~~et seq.~~) [410 ILCS 305/4-~~et seq.~~] (AIDS Act) and rules of the Department of Public Health (77 Ill. Adm. Code 697 - AIDS ~~Aids~~ ~~and~~ Confidentiality and Testing Code), a student may not be tested for human immunodeficiency virus (HIV) unless:

- A) the student or legally authorized representative consents in writing, or
- B2) a DORS' school employee has had an accidental direct skin or mucous membrane contact with the student's blood or body fluids which is of a nature that may transmit HIV, as determined by a physician in his or her medical judgement.

- 2) Test Information and Counseling. In compliance with the AIDS Act (~~§§ 11-12~~ ~~Rev. Stat. 1991-CH-11-12~~ ~~Par. 7301-7305~~) [410 ILCS 305/5], if an HIV test is ordered by a school physician, whether or not written or informed consent of the student or legally authorized representative has been given, the physician must provide the student with information, including:

- A) the meaning of test results;
- B) additional or confirmatory testing, when appropriate; and
- C) referrals for further information or counseling.

- 3) Disclosure of test results. The person performing the test shall only disclose results to the following people, who shall not redisclose the results, except as authorized by the AIDS Act:

- A) the student or his or her legally authorized representative;
- B) anyone designated in a express release executed by the student or legally authorized representative;
- C) the school employee who has had accidental contact as described in subsection (f)(2) above;
- D) the DPH (any redisclosure by a DPH employee in violation of the AIDS Confidentiality Act will result in disciplinary action taken by DPH); and
- E) an employee of the school if he or she provides the student with medical services or such care as may involve contact with blood or body fluids of a student and the employee has a need to know such information (e.g., an employee has been involved in accidental direct skin or mucous membrane contact with the blood or bodily fluids of an individual with AIDS). Any redisclosure by a DORS' employee in violation of the AIDS Confidentiality Act will result in disciplinary action taken by DORS.

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- g) In compliance with the Communicable Disease Prevention Act (~~§§ 11-12~~ ~~Rev. Stat. 1991-CH-11-12~~ ~~Par. 315-320~~) [410 ILCS 315/20] the DPH or local public health department shall inform the facility administrator that a student has been diagnosed as having AIDS or AIDS-related complex or has been exposed to HIV. The facility administrator shall not disclose such information except to the following (who shall not redisclose the results except as authorized by the AIDS Act) and then only if the principal then finds it necessary for the safe and effective administration of the school and its programs:

- 1) the principal of the DORS school;
- 2) the teachers in whose classes the student is enrolled;
- 3) the Infectious Disease Control Committee (i.e. facility administrator, head nurse and facility physician);
- 4) the school nurse; and
- 5) any other person that the facility administrator deems has a need to know, who has been involved in an accidental direct skin or mucous membrane contact with the blood or bodily fluids of an individual with AIDS, but the student's identity cannot be revealed.

- h) Each school will adhere to a consistent policy with regard to a diagnosis of Pediculus Humanus Capitis (head lice) by the school physician or nurse when discovered in the student population.

- 1) Residential students will be treated by the Nurse applying a 1% Permethrin cream rinse the first available time the day the head lice is discovered. Parents/Guardians will be contacted advising them their child has been treated by the nursing staff for head lice.

- 2) Non-residential students will have a phone call made to the affected student's parents/guardian informing them of the diagnosis of head lice, and that the student must be removed from school as soon as possible. The recommendation will be made to seek treatment from a physician and that all household members be treated. They will be informed that the student will not be allowed to return to school until treatment has been completed.

- In the event a parent of a non-residential student cannot be contacted within a two hour time frame, the school nurse will treat the student to facilitate returning the student to the school classroom until the parent is contacted. If the clothing of a non-residential student is infested, temporary clothing will be issued while the student's clothes are being laundered.

- 3) All roommates and classmates will be evaluated for the presence of nits (lice eggs) or other evidence of infestation by the school nurse.

- 4) Residential students will not be allowed to return to school until they have been treated by the nursing staff. Non-residential students must present proof of appropriate treatment (e.g., note from physician, copy of prescription, proof of purchase of an over the counter product for the treatment of



## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

head lice) before returning to school. Upon return to school the student will be re-examined by the nurse prior to admission.

- 5) The nursing staff will again examine the affected student in 7 to 10 days.
- 6) All potentially infected environmental surfaces and clothing of residential students that could have been infected will be treated by the facility staff to prevent re-infection of the student population.

(Source: Amended at 19 Ill. Reg. 15737, effective NOV 7 1995)

## Section 830.60 Search and Seizure

- a) The superintendent or designee of a school has the authority to approve the search of any student's person, locker, room or property when the superintendent/designee has a reasonable belief that the student has alcohol, drugs, a weapon, stolen goods or any other item prohibited by the school's rules. Any search of person must be made by staff of the same gender as the student being searched with another staff person present as a witness.
- b) Any contraband, as defined by 89 Ill. Adm. Code 827 and the Criminal Code of 1961 (~~11111-Rev-Stat--1985--ch--387-par--1-i-et-seq--~~ [720 ILCS 5]), found during the search shall be seized and held until its proper disposition is determined through consultations with Central Office staff or local or state law enforcement officials as indicated by the situation.
- c) The superintendent shall not approve a search as a means of embarrassing or punishing a student. Insofar as feasible, any search shall be made in such a manner that it is not observed by or known to other students.
- d) Nothing in this policy shall be construed to prohibit school staff and representatives from various regulatory bodies from entering students' rooms in the course of their normal duties.

(Source: Amended at 19 Ill. Reg. 15737, effective NOV 7 1995)

## Section 830.80 Food and Nutrition

Each school shall:

- a) provide ~~Provide~~ food which is prepared and served under sanitary conditions as set forth in 77 Ill. Adm. Code 750.
- b) provide ~~Provide~~ medically prescribed diets as needed.
- c) serve ~~Serve~~ three balanced meals, as approved by the school's medical personnel, each day and shall maintain a record of the menus of the food actually served, which shall be retained and be available for review for a period of at least one year.

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 19 Ill. Reg. 15737, effective NOV 7 1995)

## Section 830.90 Safety and Sanitation

- a) Each school shall request:

- 1) at ~~At~~ least an annual inspection by the Illinois Department of Public Health or the local health department of all its buildings which are used by the students. These inspections shall give special attention to dietary service; health service; lavatory, bath, and toilet facilities; pest control; and ventilation.
- 2) at ~~At~~ least an annual inspection of all its buildings and related systems by the State Fire Marshal and/or the local fire department.
- 3) the ~~The~~ resources of the Capital Development Board and the Department of Central Management Services, as needed, in the maintenance and repair of its buildings.
- b) Each school shall comply with the Illinois Department of Labor's rules set forth in 56 Ill. Adm. Code 350 in relation to the safety of the school's employee's and insofar as they relate to the safety of the school's students.
- c) Each school superintendent shall fulfill his or her responsibilities for maintaining the school's grounds and buildings in such a manner that there will be no unusual hazards which will endanger students, staff, or the public.
- d) To the extent that funds are available, each school shall maintain equipment in good repair, but regardless of funds:
  - 1) all ~~All~~ boilers shall be inspected per 41 Ill. Adm. Code 120, in accordance with the schedules and procedures specified by the State Fire Marshal.
  - 2) all ~~All~~ elevators shall be inspected in accordance with the schedules and procedures specified by the responsible agency in the city in which the school is located.
  - 3) all ~~All~~ x-ray equipment shall be inspected in accordance with the schedule and procedures specified by the Illinois Department of Energy and Natural Resources (32 Ill. Adm. Code 310.50).
- e) Each school shall maintain written plans for such emergencies as fires and tornadoes. The plan for fire drills shall include all of the requirements of the State Fire Marshal contained in 41 Ill. Adm. Code 110.20 and shall be explained to all students and staff. At least one drill each school year shall be at a time when most of the students are normally asleep.

(Source: Amended at 19 Ill. Reg. 15737, effective NOV 7 1995)

## Section 830.100 Donations



## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- a) Each school may accept and hold on behalf of the State, if for the public interest, a grant, gift, or legacy of money or property to the State of Illinois, to the Department, or to any school or program made for any legitimate purpose connected with the school or program.
- b) The Department shall cause each grant, gift or legacy to be deposited in a distinct fund or in the "DORS State Project Fund" or a fund held locally by a school, depending on the purpose for which the gift was given.
- c) Each grant, gift, or legacy shall be used for the purpose for which it was given. Grants, gifts, or legacies with no designated purpose will be designated by the Director or designee when the value exceeds \$500.00. The administrator of the facility will place grants, gifts, or legacies less than \$500.00 in the Needy Student Fund.
- d) If a donation of goods or property is made to the school or any of its units, it should be explained to the donor that once such a gift is donated, it becomes state property, unless otherwise stipulated in writing.
- e) These funds and the records pertaining to such funds shall be subject to audit by DORS' internal auditors and by the Auditor General of the State of Illinois.

(Source: Amended at 19 Ill. Reg. 15737, effective NOV 7 1995)

## Section 830.110 Release of Students to Authorized Individuals

- a) The school will not authorize one of its students to leave campus with an individual(s) other than the student's parents/guardian, or staff or a student of the school unless:
- 1) the school has on file a written statement signed by the student's parents/guardian granting permission for the individual(s) in question to take their child off campus, or
  - 2) the student's parents/guardian have telephoned appropriate staff to grant permission for the individual(s) in question to take their child off campus. Staff receiving such a call must submit a written memorandum with all pertinent information (i.e., date, time, student's name, name and contact information of person being given permission to take the student, length of time the student will be away, where the student will be) to the superintendent/designee for approval before the student may leave campus.
- b) Persons not known to the school staff shall be required to provide a driver's license (with photo) or photo identification card issued by the Illinois Secretary of State to establish their identity prior to a child's release to them.
- c) This policy does not limit students, with the approval of the school, from leaving campus individually or in groups to participate in off-campus activities.

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 19 Ill. Reg. 15737, effective NOV 7 1995)

## Section 830.120 Use of Motor Vehicles by Students

- a) Unless the vehicle is needed to transport the student to and from school or to meet some justifiable short-term need, students at a school are not authorized to have or use personal motor vehicles while under the responsibility of the school. Justifiable short-term needs could include:
- 1) a potential emergency situation at home, making it desirable for the student to return home on short notice.
  - 2) bringing ~~bringing~~ the vehicle to the school to repair it in one of the school's vocational classes as an educational project.
- b) Authorization for students to have or use personal vehicles while under the responsibility of the school can be approved only by the superintendent. In order for a request for such an authorization to be considered, it must be submitted in writing to the superintendent's office and include:
- 1) the ~~the~~ reason(s) the student needs to have or use the vehicle.
  - 2) the ~~the~~ length of time the student will need it.
  - 3) the ~~the~~ student's driver's license number.
  - 4) the ~~the~~ name of the company, the policy number and the amount of insurance coverage in effect on the student/vehicle.
  - 5) the ~~the~~ name of the person who owns the vehicle.
  - 6) the ~~the~~ parents'/guardian's signed consent if the student is under 18 years of age or the parents/guardian are legally responsible for the vehicle or the insurance on it.
- c) All approved authorizations are subject to the following stipulations. The vehicle shall:
- 1) ~~shall~~ be used only for purposes (needs) specified in the request as approved by the superintendent.
  - 2) ~~shall~~ not be used on school days between the hours of 8:00 a.m. and 3:15 p.m. except in emergencies.
  - 3) ~~shall~~ not be used to transport other students without the specific written consent of those students' parents.
  - 4) ~~shall~~ not be used as a meeting place to visit.
  - 5) ~~shall~~ while on campus and not in use, be parked in the prescribed location and be locked.
  - d) Any claims for damages to or by the vehicle shall be the responsibility of the student, the parent/guardian, the insurance company or some source other than the school.
  - e) Abandoned Vehicles: Unless prior arrangements are made and approved by the superintendent, if any vehicle is left on the school grounds 60 days after the last day of the school year and if the owner fails to respond within 10 days to a registered letter from the superintendent, the vehicle shall be declared abandoned.

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 19 Ill. Reg. 15737, effective NOV 7 1995)

## Section 830.130 Student Activities Requiring Approval of Parents/Guardians

Unless a student is 18 years of age or older:

- a) Consent/Approval A consent/approval is required at the beginning of each school year for each of the following activities and shall remain in effect for the remainder of that school year or until it is modified or revoked by the parents/guardian.

- 1) Competing in interscholastic athletic activities. Each sport in which the student may compete during the year must be listed on the consent form.
- 2) Traveling out of state on a school-sponsored activity. The date, destination and purpose of each scheduled out of state trip the student may take during the year must be listed on the consent form.
- 3) Using the student's picture or other identifying information in news releases, brochures or other publication (Section 830.10).
- 4) Leaving campus with someone other than the student's parents/guardian or a staff member or student of the school (Section 830.110). Each person who may take the student off campus during the year must be listed on the consent form. Parent/guardians may add or delete names during the year.
- b) A specific consent/approval is required prior to each of the following activities and shall remain in effect for only the period specified on the consent form or until it is modified or revoked by the parents/guardian.
  - 1) Receiving the annual flu vaccination when it is available to the students at the school (Section 830.50).
  - 2) Engaging in such religious activities as baptism, first communion, or confirmation.
  - 3) Receiving psychological assessments in such areas as aptitude, general mental ability, personality, achievement and vocational interests (89 Ill. Adm. Code 775.10 (b)(2)).
  - 4) Receiving ongoing individual or group counseling (89 Ill. Adm. Code 775.10(b)(2) and (3)).
  - 5) Including the student or identifying information about him or her in research projects by universities, other agencies, or by individuals (89 Ill. Adm. Code 505).
- c) Students 18 years of age and older that are legally competent have the legal right to sign consent forms on their own behalf.

(Source: Amended at 19 Ill. Reg. 15737, effective NOV 7 1995)

## Section 830.140 Visits to Schools

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- a) All visits (e.g., parent-teacher conferences, tours of the school facilities and contact by outside agencies, individuals, and businesses regarding materials, services and programs) to the Department of Rehabilitation Services (DORS) schools from DORS' students' parents and family members, community members, and other interested individuals must be scheduled with the appropriate school administrator. This policy does not apply to DORS' staff or to anyone who is properly on campus (e.g., Client Assistance Program clients at ICRR-R 889RE, visitors to the Heritage Cultural Center and parents and children at the Nursery School at ISD), but only while in an area appropriate to the purpose of the visit.
- b) When a visitor to a DORS' school arrives on campus, the visitor must proceed to the administration office to receive a visitor's permit.
- c) Visits must be of a duration and manner which is neither disruptive to ongoing programming nor of a threatening or argumentative nature.
- d) The superintendent of the school or designee shall terminate a visit, and may report the individual(s) responsible to the proper law enforcement agency, if an individual is:
  - 1) in or about any school building or grounds without a valid visitor's permit; or
  - 2) engaged in disorderly conduct.

(Source: Amended at 19 Ill. Reg. 15737, effective NOV 7 1995)

## Section 830.150 Behavior Intervention

- a) Behavior intervention is a therapeutic measure which is to be used only to prevent a student from causing damage to property or physical harm to himself/herself or others. The following procedures shall be used, as part of a behavior modification or management program. In no event shall restraint be used to punish or discipline a student or as a convenience to staff.
- b) Behavior intervention may include physically holding, or otherwise restricting the movement of the student's limbs, head or body. No mechanical or chemical restraint shall be permitted. Medically prescribed or monitored procedures for the treatment of an existing physical condition or the amelioration of a physical disability, such as braces and other medical equipment, are not considered restraints. The partial or total immobilization of a student for the purpose of performing a medical/surgical procedure is not restraint.
- c) Procedures for the use of physical restraint at the DORS schools are as follows:
  - 1) Physical ~~Physical~~ restraint shall be employed in a humane and therapeutic manner. In no event shall restraint be used when it is medically contraindicated (i.e., could adversely affect the health of the student).
  - 2) ~~Whenever~~ Physical restraint is used with a student whose



## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

primary communication is sign language, writing, or computer, the student shall be permitted to have his/her hands free from restraint for brief periods, except when freedom may result in physical harm to the student or others. A staff member skilled in the student's mode of communication shall be in attendance when the student's hands are free.

- 3) the ~~the~~ student must be released from restraint as soon as possible. The use of restraint shall not exceed thirty consecutive minutes.
- 4) the ~~the~~ person who initiates the restraint shall inform his/her ~~the~~ supervisor as soon as possible and must submit a written detailed anecdotal report of the cause/conditions that called for the use of physical restraint. The report shall include the date, time, and location that the physical restraint took place. This report will be placed in the student's temporary records maintained by the school with a copy to be sent to the parent/guardian of the student and through the chain of command to the facility administrator.

- d) All direct care staff shall be trained in behavior intervention techniques, including physical restraint, to prevent injury to the students. Documentation of training shall be maintained in the employee personnel files kept at each school. Employees that have not completed the training may not employ physical restraint.

(Source: Amended at 19 Ill. Reg. 15737, effective NOV 7 1995)

**Section 830.160 Profit on Sales from Commissary Stores**

- a) Profit from the sales from commissary stores shall be deposited in a locally held fund and shall be used for the special comfort, pleasure and amusement of students and employees.

- b) The total amount spent on the special comfort, pleasure and amusement of employees shall not exceed the amount of profits derived from sales made to employees.

- c) The percentage of the profits made by sales to employees shall be determined by the percentage of employees there are to the total of the student and employee population of each school.

- d) These funds and the records pertaining to such receipts shall be subject to audit by DORS' internal auditors and by the Auditor General of the State of Illinois.

(Source: Added at 19 Ill. Reg. 15737, effective NOV 7 1995)

**Section 830.170 Receipts from Athletic, Musical and Other Events**

- a) The receipts from the sale of tickets to athletic, musical, and other

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

events shall be deposited in a locally held fund. The amount of funds deposited into this account must not exceed \$10,000 per facility.

- b) Receipts may be used to provide immediate payment to officials, judges and athletic referees for their services rendered at school sponsored contests or events. Documentation of payments received must be signed by the recipient and maintained.

- c) Receipts may be used to provide students who are enrolled in an independent living program with cash so that they may fulfill course objectives by purchasing commodities and other required supplies. To be eligible for receipt of these funds a student must have little or no financial resources. Documentation of payments received must be signed by the recipient and maintained.

- d) These funds and the records pertaining to such receipts shall be subject to audit by DORS' internal auditors and by the Auditor General of the State of Illinois.

(Source: Added at 19 Ill. Reg. 15737, effective NOV 7 1995)

**Section 830.180 Transportation Fund**

- a) The ISD and ISVI shall collect from the home school district of each resident student the cost of providing transportation between the student's home and the school as provided in accordance with Section 14-7.02 of the School Code (105 ILCS 5/14-7.02), the rules of the State Board of Education (23 Ill. Adm. Code 236.960), and the student's Individual Education Program (IEP).

- b) A student's home school district shall be charged for transporting a student home based on the following formula. The State shall be divided into eight concentric circles which are 50 mile wide bands with the center being Jacksonville, Illinois. Each concentric circle, beginning with the zone containing Jacksonville, Illinois, shall be numbered Zones 1 through 8. The circle number shall also act as the multiplier for determining the individual transportation cost for each student (i.e., Circle 1 shall have a multiplier of 1 compared to Circle 8 which shall have a multiplier of 8).

To determine the actual individual transportation cost for each student, the multipliers for all students who will be transported on the same bus will be added together and divided into the charge for the bus that will transport the students home. This will establish the base transportation cost. This base transportation cost will then be multiplied by the zone multiplier for the individual student to determine the actual transportation cost for the individual student which will be billed to the student's home district.

- c) These funds shall be deposited in a locally held account and shall be used only for the transportation expenses of resident students.

- d) This fund and its records shall be subject to audit by DORS' internal auditors and by the Auditor General of the State of Illinois.



## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 19 Ill. Reg. 15737, effective  
NOV 7 1995)

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Rates To Be Charged By Official Testing Stations For School Buses
- 2) Code Citation: 92 Ill. Adm. Code 446
- 3) Section Numbers: Adopted Action:  
446.102 446.402 Amend  
446.103 446.502 Amend  
446.104 446.602 Amend  
446.106 Amend  
446.302 Amend  
446.306 Amend
- 4) Statutory Authority: Implementing and authorized by Section 13-106 of the Illinois Vehicle Inspection Law [625 ILCS 5/13-106]
- 5) Effective date of rules: **NOV 2 1995**
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date filed in agency's principal office: November 1, 1995
- 9) Notice of proposal published in Illinois Register:  
June 16, 1995, 19 Ill. Reg. 7829
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version:  
At Section 446.104, "School Bus," the Department changed "educations" to "educational."  
At Section 446.104, the Department changed the semicolons to periods.  
At Section 446.104, "Section," the Department struck "Illinois" and "of Transportation."  
At Sections 446.106(a) and 446.302(b), the Department corrected the underscoring so that the sentences end in a period.  
At Section 446.306(b), the Department changed "1069" to "4069."  
At Section 446.602(b)(3), the Department deleted the comma after "name" and inserted a comma after "address"; inserted a semicolon with underscoring and struck through the period.

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENTS

In Section 446.602(b)(5), the Department added a comma after "and."

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will this rule replace an Emergency Rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rules:

By this Notice of Adopted Amendments, the Department is updating statutory citations to correctly reference the Illinois Compiled Statutes. Additionally, the Department is revising the name and address of the Division's Bureau of Safety Programs, Commercial Vehicle Safety Section. The Department is also correcting definitions in Section 446.104, Definitions, and is alphabetizing the counties listed in Section 446.402, Rates or Charges, and adding three counties which were not previously listed in this Section.

Primarily, this rulemaking amends Section 446.502, Notice and Place of Hearing, to provide a new administrative hearing location at the Department's offices in Carbondale, Illinois. This new hearing location is more convenient for those Official Testing Station owners operating in the southern part of the State. These station owners will no longer be required to travel to Springfield for an administrative hearing.

- 16) Information and questions regarding these adopted rules shall be directed to:

Ms. Cathy Allen, Regulations Unit  
Department of Transportation  
Division of Traffic Safety  
P.O. Box 19212  
Springfield, Illinois 62794-9212  
(217) 785-1135

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 92: TRANSPORTATION

## CHAPTER I: DEPARTMENT OF TRANSPORTATION

## SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)

## PART 446

## RATES TO BE CHARGED BY OFFICIAL TESTING STATIONS FOR SCHOOL BUSES

## SUBPART A: RULES OF GENERAL APPLICABILITY

## Section

446.101 General Information  
446.102 Information: Special Instructions  
446.103 Communications and Pleadings  
446.104 Definitions  
446.105 Rules of Construction  
446.106 Regulatory Dockets  
446.107 Appearances

## SUBPART B: DOCUMENT SPECIFICATIONS GENERALLY

## Section

446.201 Typographical Specifications  
446.202 Copies  
446.203 Time  
446.204 Service

## SUBPART C: RULES FOR FILING AND APPROVAL OF RATES AND CHARGES

## Section

446.301 General Requirements  
446.302 Application for Rate Approval  
446.303 Initial Application Review  
446.304 Processing of Application  
446.305 Withdrawal  
446.306 Application for Rate Change  
446.307 Appeal

## SUBPART D: LEVEL OF RATES OR CHARGES

## Section

446.401 General Requirements  
446.402 Rates or Charges  
446.403 Enforcement

## SUBPART E: HEARINGS ON PETITIONS FOR APPROVAL OF DISALLOWED RATES AND APPEALS

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENTS

Section  
446.501 Request for Hearing  
446.502 Notice and Place of Hearing  
446.503 Hearings  
446.504 Presiding Officer's Decision  
446.505 Appeal

## SUBPART F: COMPLAINTS OF UNREASONABLE OR UNJUST RATES

Section  
446.601 Notice  
446.602 Complaints  
446.603 Reply  
446.604 Request for Hearing  
446.605 Hearing  
446.606 Presiding Officer's Decision  
446.607 Appeal

## SUBPART G: MISCELLANEOUS PROVISIONS

Section  
446.701 Discovery  
446.702 Motions  
446.703 Intervention

AUTHORITY: Implementing and authorized by Section 13-106 of the Illinois Vehicle Inspection Law [625 ILCS 5/13-106].

SOURCE: Adopted at 6 Ill. Reg. 1201, effective February 1, 1982; codified at 6 Ill. Reg. 14689; amended at 19 Ill. Reg. 15754 effective NOV 2 1995.

## SUBPART A: RULES OF GENERAL APPLICABILITY

## Section 446.102 Information; Special Instructions

Information as to procedure under the rules in this Part and instructions supplementing this Part ~~these rules~~ in special instances, will be furnished upon written application to the Director, Division of Traffic Safety, Illinois Department of Transportation, 3215 Executive Park Drive, P.O. Box 19212, #900 South-Birken-Parkway7 Springfield, Illinois 62794-9212. 62764.

(Source: Amended 19 Ill. Reg. 15754, effective NOV 2 1995)

## Section 446.103 Communications and Pleadings

a) How addressed. All communications and pleadings should, unless

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENTS

otherwise specifically directed, be addressed and submitted to: Director, Division of Traffic Safety, Illinois Department of Transportation, 3215 Executive Park Drive, P.O. Box 19212, #900--South-Birken---Parkway7 Springfield, Illinois 62794-9212. 62764. A communication should clearly designate the docket number, if any, and short title of any proceeding to and about which it is directed. The person communicating shall state his address, and the party he represents.

b) Timely Filing Required. All documents required or permitted to be filed under this Part ~~these Rules~~ must be received for filing at the offices of the Department's Division of Traffic Safety in Springfield, Illinois, within the time limits for such filing. The date of receipt at the Department and not the date of deposit in the mail is determinative, provided, however, that if such document is mailed by certified, registered, or express mail postmarked at least two days prior to the due date, it will be accepted as timely filed.

c) Disposition of When Defective. In any proceeding when upon inspection the Department is of the opinion that a document tendered for filing does not comply with this Part ~~these Rules~~ or does not sufficiently set forth material required by any form of the Department, the Department may decline to accept the document for filing and may return it unfilled or the Department may accept it for filing and advise the person tendering it of the deficiency and require that the deficiency be corrected.

(Source: Amended at 19 Ill. Reg. 15754, effective NOV 2 1995)

## Section 446.104 Definitions

As used in this Part ~~these Rules~~:

"Code" means the Illinois Vehicle Code [625 ILCS 5].

"Department" means the Illinois Department of Transportation.

"Department" means the Department of Transportation of the State of Illinois, acting directly or through its authorized agents or officers. (Section 13-100 of the Code)

"Director" means the Director of the Division of Traffic Safety of the Illinois Department of Transportation.

"Division" means the Division of Traffic Safety of the Illinois Department of Transportation.

"Illinois Vehicle Code" means the provisions of Chapter 95-1/2 of the Illinois Revised Statutes as now or hereafter amended.



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENTS

"Official Testing Station" means all contiguous real and personal property which houses the testing lane(s) and all equipment and supplies relating to the vehicle safety test program.

"Person" means any person as defined in Section 1-159 of the Illinois Vehicle Code.

"Rate" or "Charge" means the monetary charge to any person offering a school bus for a safety test pursuant to Section 13-106 of the Illinois Vehicle Code.

"Safety test" means the test required by Section 13-101 of the Illinois Vehicle Code.

"School bus" means every motor vehicle except as provided below owned or operated by or for any of the following entities for the transportation of persons regularly enrolled in any such entity as students in grade 12 or below in connection with any activity of the entity: a school operated by a religious institution or a public or private nursery, primary or secondary school; this definition does not include the following:

a bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when the bus is on a regularly scheduled route for the transportation of other fare-paying passengers or furnishing charter service for the transportation of groups on field trips or other special trips or in connection with special events or for shuttle service between attendance centers or other educational facilities and not over a regular or customary school bus route; a motor vehicle of the First Division as defined in Section 1-212 of the Illinois Vehicle Code or a religious organization bus as defined in Section 1-171.0-1 of the Illinois Vehicle Code.

Every motor vehicle, except as provided below, owned or operated by or for any of the following entities for the transportation of persons regularly enrolled as students in grade 12 or below in connection with any activity of such entity:

Any public or private primary or secondary school;

Any primary or secondary school operated by a religious institution; or

Any public, private or religious nursery school.

This definition shall not include the following:

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENTS

A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when such bus is not traveling a specific school bus route but is:

On a regularly scheduled route for the transportation of other fare paying passengers;

Furnishing charter service for the transportation of groups on field trips or other special trips or in connection with other special events; or

Being used for shuttle service between attendance centers or other educational facilities.

A motor vehicle of the first division. (Section 1-182 of the Code)

"Secretary" means the Secretary of the Illinois Department of Transportation.

"Section" means the Commercial Vehicle Safety Section Vehicle Inspection Section of the Bureau of Safety Programs Operations of the Division of Traffic Safety of the Illinois Department of Transportation.

(Source: Amended at 19 Ill. Reg. 15754, effective NOV 2 1995)

## Section 446.106 Regulatory Dockets

- a) Information and data relating to Department actions pursuant to this Part are maintained by the Bureau of Safety Programs Operations, Division of Traffic Safety, Illinois Department of Transportation, 3215 Executive Park Drive, P. O. Box 19212 2300-South-Birken-Parkway, Springfield, Illinois 62794-9212. 627647
- b) Any person may examine and copy any docketed material at the offices of the Division during regular business hours.

(Source: Amended at 19 Ill. Reg. 15754, effective NOV 2 1995)

SUBPART C: RULES FOR FILING AND APPROVAL OF RATES AND CHARGES

## Section 446.302 Application for Rate Approval

- a) Every operator of a currently licensed school bus Official Testing Station must file with the Department, within 60 days of the effective

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENTS

date of this Part Rate, a schedule of all rates and charges intended to be made by him for performing a safety test on school buses and for which he seeks the approval of the Department. Each application for approval shall be submitted on the form provided by the Department by mailing or delivering that form to: Commercial Vehicle Safety Vehicle Inspection Section, Illinois Department of Transportation, 3215 Executive Park Drive, P. O. Box 19212, 320 West Washington Street, P.O.-Box-4669 Springfield, Illinois 62794-9212 62708.

b) Each applicant for an Official Testing Station Permit shall file with the Department a proposed schedule of all rates and charges intended to be made by him for performing a safety test on school buses and for which he seeks the approval of the Department. Each application made under this paragraph shall be filed by the applicant with his application for a station permit pursuant to 92 Ill. Adm. Code 451 - Administrative Requirements the Department's Rules and Regulations for Official Testing Stations. The applicant shall submit his proposed schedule on the form provided by the Department by mailing or delivering that form to: Commercial Vehicle Safety Vehicle Inspection Section, Illinois Department of Transportation, 3215 Executive Park Drive, P. O. Box 19212, 320 West Washington Street, P.O.-Box-4669 Springfield, Illinois 62794-9212 62708.

c) A schedule of rates and charges filed with the Department under subsections paragraphs (a) and (b) of this Section shall include an amount to reimburse the operator of an Official Testing Station for the purchase from the Department of the Certificate of Safety required by Section 13-109 of the Illinois Vehicle Code, which amount shall not exceed the fee paid by the operator to the Department for the certificate.

(Source: Amended at 19 Ill. Reg. 15754, effective NOV 2 1995)

## Section 446.306 Application for Rate Change

a) Any operator of an Official Testing Station who desires to change his schedule of rates and charges filed with and approved by the Department shall file with the Department the new schedule of rates and charges proposed to be made by him for performing a safety test on school buses.

b) Applications under subsection paragraph (a) of this Section shall be submitted on the form provided by the Department by mailing or delivering that form to: Commercial Vehicle Safety Vehicle Inspection Section, Illinois Department of Transportation, 3215 Executive Park Drive, P. O. Box 19212, 320 West Washington Street, P.O.-Box-4669 Springfield, Illinois 62794-9212 62708.

c) Applications under this Section shall initially be reviewed as provided in Section 446.303 and processed as provided in Section 446.304.

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENTS

d) Withdrawals of applications under this Section shall be governed by Section 446.305.

e) If a proposed change in an applicant's rate or charge is disallowed or denied by the Section, an applicant may file a written petition under Section 446.307. All hearings scheduled under this paragraph shall be conducted in accordance with the provisions of Sections 446.501, 446.502, 446.503, 446.504 and 446.505.

(Source: Amended at 19 Ill. Reg. 15754, effective NOV 2 1995)

## SUBPART D: LEVEL OF RATES OR CHARGES

## Section 446.402 Rates or Charges

The following rates or charges for safety inspections of school buses have been determined by the Department to be prima facie just and reasonable rates or charges for the counties indicated. An application for a charge or rate equal to or less than the specified charge or rate will be approved. An application for a charge or rate in excess of the specified charge or rate will be disapproved. If a proposed rate or charge is disapproved by the Section, an applicant may appeal the disapproval to the Director under Section 446.307.

Region	Counties	Rates
1	Baker---Cook---DuPage---Will---Kankakee	\$19.50
2	Kendall---Grundy Jo---Bavies---Stephenson---Winnebago---Boone McHenry	\$16.50
3	Bekaib---Kane Carroll---Ogle---Whiteside---Deer---Basalt Livingston---Marshfield---Putnam---Bureau Stark---Henry---Knox---Pulaski---Warren Henderson---Mercer---Rock---Island	\$14.00
4	Peoria---Woodford---Tazewell---Mason---Menard Sangamon---Morgan McLean---Benton---Bogart---Macon	\$17.00
5	Hancock---McDonough---Schuyler---Cass---Brown	\$12.50
6	Adams---Pike---Scott---Greene---Cahoon Jersey---Macoupin	\$11.00
7	Itasca---Ford---Vermit---Champaign	\$19.50
8	Montgomery---Shelby---Coles---Boulogne---Edgar Christian---Montgomery---Bond---Clinton Marion---Payette---Effingham---Clay---Jasper	\$14.00
9	Madison---St. Clair	\$17.50
10	Monroe---Randolph---Washington---Perry	\$19.00

DEPARTMENT OF TRANSPORTATION  
NOTICE OF ADOPTED AMENDMENTS

11 Cumberland, Clark, Crawford, Lawrence, Marion, Massac, Monroe, Perry, Pope, Richland, Wabash, Edwards, Wayne, White, Williamson Counties shall be held at the offices of the Department at 2801 West Murphysboro Road, Carbondale, Illinois. Hearings for operators in any other county shall be held at the Department's offices located at 3215 Executive Park Drive, Springfield, Illinois.

1 Cook, DuPage, Grundy, Kankakee, Kendall, Lake, Will \$19.50  
2 Boone, DeKalb, Jo Daviess, Kane, McHenry, Stephenson, Winnebago \$16.50  
3 Bureau, Carroll, Fulton, Henderson, Henry, Knox, LaSalle, Lee, Livingston, Marshall, Mercer, Ogle, Putnam, Rock Island, Stark, Warren, Whiteside \$14.00  
4 Mason, Menard, Morgan, Peoria, Sangamon, Tazewell, Woodford \$17.00  
5 Dewitt, Logan, Macon, McLean \$12.50  
6 Adams, Brown, Calhoun, Cass, Greene, Hancock, Jersey, Macoupin, McDonough, Pike, Schuyler, Scott \$11.00  
7 Coles, Champaign, Douglas, Edgar, Ford, Iroquois, Moultrie, Piatt, Shelby, Vermillion \$13.50  
8 Bond, Christian, Clay, Clinton, Effingham, Fayette, Jasper, Marion, Montgomery \$14.00  
9 Madison, St. Clair \$17.50  
10 Jackson, Monroe, Perry, Randolph, Union, Washington \$13.00  
11 Alexander, Clark, Crawford, Cumberland, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jefferson, Johnson, Lawrence, Massac, Pope, Pulaski, Richland, Saline, Wabash, Wayne, White, Williamson \$11.00

(Source: Amended at 19 Ill. Reg. 15754, effective NOV 2 1995)

SUBPART F: COMPLAINTS OF UNREASONABLE OR UNJUST RATES

Section 446.602 Complaints

- a) Whenever any person intends to complain to the Department about the justness or reasonableness of any rate of charge filed by any operator with the Department, that person shall make the complaint in writing and mail or submit it to: Commercial Vehicle Safety Vehicle Inspection Section, Illinois Department of Transportation, 3215 Executive Park Drive, P. O. Box 19212, 320 West Washington Street, Post-Office-Box-40697, Springfield, Illinois 62794-9212. 627007.
- b) Each complaint shall include:
- 1) the name, address and telephone number of the person making the complaint;
  - 2) a statement whether the complainant owns or operates an Official Testing Station, and if applicable, the name, business address and telephone number of that Official Testing Station;
  - 3) the name and, if known, the business address, of the operator against whom the person complains;
  - 4) A description or statement of the rate(s) about which the person complains;

DEPARTMENT OF TRANSPORTATION  
NOTICE OF ADOPTED AMENDMENTS

11 Cumberland, Clark, Crawford, Lawrence, Marion, Massac, Monroe, Perry, Pope, Richland, Wabash, Edwards, Wayne, White, Williamson Counties shall be held at the offices of the Department at 2801 West Murphysboro Road, Carbondale, Illinois. Hearings for operators in any other county shall be held at the Department's offices located at 3215 Executive Park Drive, Springfield, Illinois.

(Source: Amended at 19 Ill. Reg. 15754, effective NOV 2 1995)

SUBPART E: HEARINGS ON PETITIONS FOR APPROVAL OF DISALLOWED RATES AND APPEALS

Section 446.502 Notice and Place of Hearing

- a) Hearings on petitions filed by operators of Official Testing Stations in Boone, Bureau, Carroll, Cook, DeKalb, DuPage, Grundy, Henry, Jo Daviess, Kane, Kankakee, Kendall, Lake, LaSalle, Lee, McHenry, Ogle, Rock Island, Stephenson, Whiteside, Will and Winnebago Counties shall be held at the offices of the Department at 201 West Center Court, Schaumburg, Illinois. Hearings for operators in Alexander, Clay, Clinton, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson,



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENTS

- 5) a statement setting forth in detail the specific facts and reasons why the person believes the rate(s) about which that person complains is unjust or unreasonable; and
- 6) any information, document or other matters upon which the person relies.
- c) The facts asserted in any complaint must be sworn to by persons having knowledge thereof. Except under unusual circumstances, such persons should be those who will be available to appear as witnesses at a hearing convened by the Department to substantiate the facts asserted should a hearing become necessary.
- d) An original copy of the Complainant shall be filed with the Department. The original must show the signature, capacity and impression seal, if any, of the person administering the oath, and the date thereof.

(Source: Amended at 19 Ill. Reg. 1575.4, effective NOV 2 1995)

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of the Part: Meat and Poultry Inspection Act
- 2) Code Citation: 8 Ill. Adm. Code 125
- 3) Section Numbers: Peremptory Action:  
125.260 Amended  
125.380 Amended
- 4) Reference to the Specific State or Federal Court Order, Federal Rule of Statute which requires this Peremptory Rulemaking: The Meat and Poultry Inspection Act [225 ILCS 650/16]; the Federal Meat Inspection Act (21 U.S.C.A. 661); the Federal Poultry Products Inspection Act (21 U.S.C.A. 454); 59 FR 24220 and 60 FR 174.
- 5) Statutory Authority: The Meat and Poultry Inspection Act [225 ILCS 650/16].
- 6) Effective Date: November 10, 1995
- 7) A Complete Description of the Subjects and Issues Involved: In order to maintain an "equal to" status with the federal meat and poultry products inspection program as required by the Federal Meat Inspection Act and the Federal Poultry Products Inspection Act and in compliance with Section 16 of the Meat and Poultry Inspection Act, changes in the federal rules relative to meat and poultry products inspection are hereby adopted.

The Food Safety and Inspection Service (FSIS) of the United States Department of Agriculture is amending the Federal meat and poultry products inspection regulations "to permit the use of the term "healthy" or any other derivative of the term "health", such as "healthful" or "healthier", on the labeling of meat and poultry products. FSIS is taking this action to provide consumers with accurate, informative labeling on meat and poultry products that conforms with such labeling on other foods. This final rule provides a definition for the implied nutrient content claim "healthy" for individual foods and meal-type products, and is designed to parallel the definition issued by the Food and Drug Administration for other foods." (Federal Register, page 24220, May 10, 1994 issue). Sections 317.363 and 381.463 are added to 9 CFR Parts 317 and 381 of the Federal regulations effective November 10, 1995 and are hereby incorporated into Illinois' meat and poultry inspection regulations at Sections 125.260 and 125.380 respectively.

Amendments to Sections 317.363 and 381.463 of 9 CFR Parts 317 and 381 were made by FSIS for codification purposes in the January 3, 1995 issue of the Federal Register, page 174 and are hereby incorporated into Illinois' regulations for meat and poultry inspection.

DEPARTMENT OF AGRICULTURE  
NOTICE OF PEREMPTORY AMENDMENTS

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed in Agency's Principal Office: November 10, 1995
- 10) This rule is in compliance with Section 5.03 of the Illinois Administrative Procedure Act.
- 11) Are there any proposed amendments pending to this Part? Yes, peremptory amendment to Section 125.410, October 20, 1995, 19 Ill. Reg. 14896.
- 12) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local governments.
- 13) Information and questions regarding this adopted amendment shall be directed to:
- Debbie Wakefield  
Illinois Department of Agriculture  
State Fairgrounds, P.O. Box 19281  
Springfield, IL 62794-9281  
(217) 785-5713; Facsimile: (217) 785-4505

The full text of the Peremptory amendment begins on the next page:

DEPARTMENT OF AGRICULTURE  
NOTICE OF PEREMPTORY AMENDMENTS  
TITLE 8: AGRICULTURE AND ANIMALS  
CHAPTER I: DEPARTMENT OF AGRICULTURE  
SUBCHAPTER C: MEAT AND POULTRY INSPECTION ACT  
PART 125  
MEAT AND POULTRY INSPECTION ACT

SUBPART A: GENERAL PROVISIONS FOR BOTH MEAT AND/OR POULTRY INSPECTION

Section	
125.10	Definitions
125.20	Incorporation by Reference of Federal Rules
125.30	Application for License; Approval
125.40	Official Number
125.50	Inspections; Suspension or Revocation of License
125.60	Administrative Hearings; Appeals
125.70	Assignment and Authority of Program Employees
125.80	Schedule of Operations; Overtime
125.90	Official Marks of Inspection, Devices and Certificates
125.100	Records and Reports
125.110	Exemptions
125.120	Disposal of Dead Animals and Poultry
125.130	Reportable Animal and Poultry Diseases
125.140	Detention; Seizure; Condemnation

SUBPART B: MEAT INSPECTION

Section	
125.150	Livestock and Meat Products Entering Official Establishments
125.160	Equine and Equine Products
125.170	Facilities for Inspection
125.180	Sanitation
125.190	Ante-Mortem Inspection
125.200	Post-Mortem Inspection
125.210	Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
125.220	Humane Slaughter of Animals
125.230	Handling and Disposal of Condemned or Other Inedible Products at Official Establishment
125.240	Rendering or Other Disposal of Carcasses and Parts Passed for Cooking
125.250	Marking Products and Their Containers
125.260	Labeling, Marking and Containers
125.270	Entry into Official Establishment; Reinspection and Preparation of Product
125.280	Meat Definitions and Standards of Identity or Composition
125.290	Transportation
125.295	Imported Products
125.300	Special Services Relating to Meat and Other Products

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PEREMPTORY AMENDMENTS

## 125.305 Exotic Animal Inspection

## SUBPART C: POULTRY INSPECTION

## Section Application of Inspection

## 125.310 Facilities for Inspection

## 125.320 Sanitation

## 125.330 Operating Procedures

## 125.340 Ante-Mortem Inspection

## 125.350 Post-Mortem Inspection; Disposition of Carcasses and Parts

## 125.360 Handling and Disposal of Condemned or Inedible Products at Official Establishments

## 125.370 Labeling and Containers

## 125.380 Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements

## 125.390 Definitions and Standards of Identity or Composition

## 125.400 Transportation; Sale of Poultry or Poultry Products

**AUTHORITY:** Implementing and authorized by the Meat and Poultry Inspection Act [225 ILCS 650] and Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

**SOURCE:** Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; peremptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; peremptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; peremptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; peremptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; peremptory amendment at 9 Ill. Reg. 10102, effective June 13, 1985; peremptory amendment at 9 Ill. Reg. 11673, effective July 17, 1985; peremptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; peremptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; peremptory amendment at 9 Ill. Reg. 19759, effective December 5, 1985; peremptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; peremptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; peremptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; peremptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; peremptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; peremptory amendment at 10 Ill. Reg. 14838, effective August 22, 1986; peremptory amendment at 10 Ill. Reg. 15305, effective September 10, 1986; peremptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; peremptory amendment at 10 Ill. Reg. 18203, effective October 15, 1986; peremptory amendment at 11 Ill. Reg. 19818, effective November 12, 1986; peremptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; peremptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; peremptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; peremptory amendment at 11 Ill. Reg. 10321, effective May 15, 1987; peremptory amendment at 11 Ill. Reg. 11184, effective June 5, 1987; peremptory amendment at 11 Ill. Reg. 14830, effective

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PEREMPTORY AMENDMENTS

August 25, 1987; peremptory amendment at 11 Ill. Reg. 18799, effective November 3, 1987; peremptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; peremptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; peremptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; peremptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; peremptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; peremptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; peremptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; peremptory amendment at 13 Ill. Reg. 228, effective January 11, 1989; peremptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989; amended at 13 Ill. Reg. 3696, effective March 13, 1989; peremptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; peremptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; peremptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; peremptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; peremptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990; peremptory amendment at 14 Ill. Reg. 13355, effective August 20, 1990; peremptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990; peremptory amendment at 14 Ill. Reg. 21060, effective May 29, 1991; peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991; peremptory amendment withdrawn at 15 Ill. Reg. 1574, effective January 2, 1991; peremptory amendment at 15 Ill. Reg. 3117, effective September 3, 1991; peremptory amendment at 15 Ill. Reg. 8714, effective May 29, 1991; amended at 15 Ill. Reg. 8801, effective June 7, 1991; peremptory amendment at 15 Ill. Reg. 13976, effective September 20, 1991; peremptory amendment at 16 Ill. Reg. 1899, effective March 2, 1992; amended at 16 Ill. Reg. 8349, effective May 26, 1992; peremptory amendment at 16 Ill. Reg. 11687, effective July 10, 1992; peremptory amendment at 16 Ill. Reg. 11663, effective July 22, 1992; peremptory amendment at 16 Ill. Reg. 12234, effective July 24, 1992; peremptory amendment at 16 Ill. Reg. 16337, effective October 19, 1992; peremptory amendment at 16 Ill. Reg. 17165, effective October 21, 1992; peremptory amendment at 17 Ill. Reg. 2063, effective February 12, 1993; peremptory amendment at 17 Ill. Reg. 15725, effective September 7, 1993; peremptory amendment at 17 Ill. Reg. 18215, effective September 8, 1993; peremptory amendment at 17 Ill. Reg. 18238, effective October 5, 1993; peremptory amendment at 18 Ill. Reg. 304, effective December 23, 1993; peremptory amendment at 18 Ill. Reg. 2164, effective January 24, 1994; amended at 18 Ill. Reg. 4622, effective March 14, 1994; peremptory amendment at 18 Ill. Reg. 6442, effective April 18, 1994; peremptory amendment at 18 Ill. Reg. 8493, effective May 27, 1994; amended at 18 Ill. Reg. 11489, effective July 7, 1994; peremptory amendment at 18 Ill. Reg. 12546, effective July 29, 1994; peremptory amendment at 18 Ill. Reg. 14475, effective September 7, 1994; amended at 18 Ill. Reg. 14924, effective September 27, 1994; peremptory amendment at 18 Ill. Reg. 15452, effective September 27, 1994; peremptory amendment at 19 Ill. Reg. 1342, effective January 27, 1995; peremptory amendment at 19 Ill. Reg. 4765, effective March 13, 1995; peremptory amendment at 19 Ill. Reg. 7067, effective May 8, 1995; peremptory amendment at 19 Ill. Reg. 14896, effective October 6, 1995; peremptory amendment at 19 Ill.



## DEPARTMENT OF AGRICULTURE

## NOTICE OF PEREMPTORY AMENDMENTS

Reg. **15766**, effective **NOV 10 1995**.

**Section 125.260 Labeling, Marking and Containers**

- a) The Department incorporates by reference 9 CFR 317.1 through 317.2(j)(10), 317.2(j)(12) through 317.4(d)(1), 317.5 through 317.6, 317.8, 317.10 through 317.14, 317.17 through 317.24, 317.300, 317.302, 317.308, 317.309, 317.312, 317.313, 317.343, 317.344, 317.345, 317.354, 317.356, 317.360, 317.361, 317.362, 317.363, 317.369, 317.380, 317.400 (1990; 55 FR 7289, effective August 28, 1990; 55 FR 34678, effective September 24, 1990; 55 FR 49826 and 50081, effective May 29, 1991; 56 FR 1359, effective September 3, 1991; 56 FR 22638, effective January 2, 1992; 56 FR 41445, effective September 20, 1991; 56 FR 67485, effective March 2, 1992; 57 FR 24542, effective July 10, 1992; 58 FR 42188, effective September 8, 1993; 58 FR 38046, effective August 16, 1993; 59 FR 12536, effective April 18, 1994; 59 FR 14528, effective May 27, 1994; 58 FR 632, 58 FR 43787, 58 FR 47624, 58 FR 66075, and 59 FR 12157, effective July 6, 1994; 59 FR 40209, effective August 8, 1994; 59 FR 45189, effective September 1, 1994; 60 FR 174, effective January 3, 1995; 60 FR 12883, effective May 8, 1995; 59 FR 24220 and 60 FR 174, effective November 10, 1995).
- b) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3) and (k)(3), (4), (5) and (9) of the Act.
- c) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.
- d) The Department shall approve temporary labeling as stated in 9 CFR 317.4(d)(1). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the labels before the expiration of the temporary approval.
- e) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act (Ill. Rev. Stat. 1991, ch. 147, par. 101 et seq.) [225 ILCS 470] and the rules adopted thereto (8 Ill. Adm. Code 600.120).
- f) The Department does not approve terms for generic labeling and considers the approval of terms as generic to be the responsibility of the federal government.
- g) With regard to the incorporated language in 9 CFR 317.6, the extension of time for exhausting existing stocks of labels is not applicable since all labels presently in use are in compliance with the rules of this part.
- h) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved

by the U.S. Department of Agriculture (see 49 FR 2235, effective July 17, 1984).

- i) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become mutilated or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.
- j) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 317.13 so that the inspector can notify the inspector at the destination point.
- k) Labeling of custom slaughter and/or custom processed meat and/or meat products and the containers containing custom slaughtered and/or custom processed meat and/or meat products shall be as set forth in Section 5 of the Act.
- l) References in the incorporated language to 9 CFR 312 shall be interpreted to mean in accordance with Section 125.90.

(Source: Peremptory amendment at 19 Ill. Reg. **15766**, effective **NOV 10 1995**.)

## SUBPART C: POULTRY INSPECTION

**Section 125.380 Labeling and Containers**

- a) The Department incorporates by reference 381.115 through 381.127, 381.129 through 381.132(b)(1), 381.133 through 381.144(d), 381.400, 381.402, 381.408, 381.409, 381.412, 381.413, 381.443, 381.444, 381.445, 381.454, 381.456, 381.460, 381.461, 381.462, 381.463, 381.469, 381.480, 381.500 (1990; 55 FR 5976, effective March 23, 1990; 55 FR 7289, effective August 28, 1990; 55 FR 49826 and 50081, effective May 29, 1991; 56 FR 1359, effective September 3, 1991; 56 FR 22638, effective January 2, 1992; 56 FR 67485, effective March 2, 1992; 57 FR 24542, effective July 10, 1992; 57 FR 43588, effective October 21, 1992; 58 FR 38046, effective August 16, 1993; 59 FR 14528, effective May 27, 1994; 58 FR 632, 58 FR 43787, 58 FR 47624, and 59 FR 12157, effective July 6, 1994; 59 FR 40209, effective August 8, 1994; 59 FR 45189, effective September 1, 1994; 60 FR 174 and correction printed at 60 FR 5762, effective January 3, 1995; 60 FR 10304, effective February 24, 1995; 60 FR 12883, effective May 8, 1995; 59 FR 24220 and 60 FR 174, effective November 10, 1995).
- b) Each shipping container and each immediate container containing inspected and passed poultry and/or poultry products shall be identified in accordance with the labeling provisions of this Section.
- c) Immediate containers of poultry products packed in, bearing or

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PEREMPTORY AMENDMENTS

containing any chemical additive shall bear a label naming the additive and the purpose of its use.

d) Labels for consumer packages shall be approved if the label is not misbranded in accordance with Section 2.20 of the Act and is in compliance with this Section.

e) The specific statements listed in 9 CFR 381.121 may be added to the label for the shipping container at the option of the licensee.

f) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act and the rules adopted thereto (8 Ill. Adm. Code 600.120).

g) No labeling or containers that have not been approved shall be used until a final decision is rendered at an administrative hearing in accordance with Section 19 of the Act and Section 125.60.

h) The Department shall approve the manufacture of a device or label containing an official mark of inspection provided the device or label is in compliance with Section 125.90.

i) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.

j) The Department shall approve temporary labeling as stated in 9 CFR 381.132(b)(1). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the permanent labels before the expiration of the temporary approval.

k) A copy of each label submitted for approval shall be accompanied by a statement showing the common or usual names, the kinds and percentages of the ingredients comprising the poultry product and a statement indicating the method or preparation of the product with respect to which the label is to be used. Laboratories used for chemical analysis shall be any approved laboratory as defined in 8 Ill. Adm. Code 20.1.

l) The Department does not approve terms for generic labeling and considers the approval of terms as generic to be the responsibility of the federal government.

m) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department of Agriculture (see 49 FR 2235, effective July 17, 1984).

n) Labels and devices approved for use pursuant to Section 125.90 and this Section shall be disposed of only when such labels or devices have been mutilated or damaged or when the establishment ceases to do business. Such labels and devices shall be given to the inspector for disposition.

o) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PEREMPTORY AMENDMENTS

to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 381.138 so that the inspector can notify the inspector at the destination point.

p) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become mutilated or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.

q) Labeling of custom slaughtered and/or custom processed poultry and/or poultry products and the containers containing custom slaughtered and/or custom processed poultry products shall be as set forth in Section 5 of the Act.

r) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3), (4), (5) and (9) of the Act.

(Source: Peremptory amendment at 19 Ill. Reg. 15766, effective NOV 10 1995)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of October 31, 1995 through November 6, 1995 and have been scheduled for review by the Committee at its December 12, 1995 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
12/14/95	Comptroller Merit Commission, Merit Commission Rules (80 Ill Adm Code 100)	9/15/95 19 Ill Reg 12856	12/12/95
12/15/95	Department of Children and Family Services, Access to and Eligibility for Child Welfare Services (89 Ill Adm Code 304)	7/21/95 19 Ill Reg 10345	12/12/95
12/15/95	Department of Children and Family Services, Licensing Standards for Foster Family Homes (89 Ill Adm Code 402)	7/21/95 19 Ill Reg 10347	12/12/95
12/15/95	Department of Commerce and Community Affairs, Public Infrastructure Loan and Grant Programs (14 Ill Adm Code 610)	9/15/95 19 Ill Reg 12849	12/12/95
12/16/95	Environmental Protection Agency, Procedures for Issuing Loans from the Water Pollution Control Revolving Fund (35 Ill Adm Code 365)	9/15/95 19 Ill Reg 12860	12/12/95
12/16/95	Department of Public Health, Food Service Sanitation Code (77 Ill Adm Code 750)	1/20/95 19 Ill Reg 533	12/12/95
12/16/95	Department of Public Health, Retail Food Store Sanitation Code (77 Ill Adm Code 760)	1/20/95 19 Ill Reg 551	12/12/95
12/17/95	Department of Employment Security, Administrative Hearings and Appeals (56 Ill Adm Code 2725)	8/4/95 19 Ill Reg 11282	12/12/95

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

12/17/95	Department of Natural Resources, General (62 Ill Adm Code 1700)	2/17/95 19 Ill Reg 1492	12/12/95
12/17/95	Department of Natural Resources, General Definitions (62 Ill Adm Code 1701)	2/17/95 19 Ill Reg 1498	12/12/95
12/17/95	Department of Natural Resources, Areas Designated by Act of Congress (62 Ill Adm Code 1761)	2/17/95 19 Ill Reg 1470	12/12/95
12/17/95	Department of Natural Resources, Requirements for Coal Exploration (62 Ill Adm Code 1772)	2/17/95 19 Ill Reg 1631	12/12/95
12/17/95	Department of Natural Resources, Requirements for Permits and Permit Processing (62 Ill Adm Code 1773)	2/17/95 19 Ill Reg 1637	12/12/95
12/17/95	Department of Natural Resources, Revision; Renewal; and Transfer, Assignment or Sale of Permit Rights (62 Ill Adm Code 1774)	2/17/95 19 Ill Reg 1663	12/12/95
12/17/95	Department of Natural Resources, Permit Applications-Minimum Requirements for Legal, Financial, Compliance, and Related Information (62 Ill Adm Code 1778)	2/17/95 19 Ill Reg 1627	12/12/95
12/17/95	Department of Natural Resources, Surface Mining Permit Applications-Minimum Requirements for Information on Environmental Resources (62 Ill Adm Code 1779)	2/17/95 19 Ill Reg 1692	12/12/95
12/17/95	Department of Natural Resources, Surface Mining Permit Application-Minimum Requirements for Reclamation and Operation Plan (62 Ill Adm Code 1780)	2/17/95 19 Ill Reg 1687	12/12/95
12/17/95	Department of Natural Resources, Underground Mining Permit Requirements for Information on Environmental Resources (62 Ill Adm Code 1783)	2/17/95 19 Ill Reg 1706	12/12/95



JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

12/17/95	Department of Natural Resources, Underground Mining Permit Applications-Minimum Requirements for Reclamation and Operation Plan (62 Ill Adm Code 1784)	2/17/95 19 Ill Reg 1712	12/12/95
12/17/95	Department of Natural Resources, Requirements for Permits for Special Categories of Mining (62 Ill Adm Code 1785)	2/17/95 19 Ill Reg 1653	12/12/95
12/17/95	Department of Natural Resources, Small Operator Assistance (62 Ill Adm Code 1795)	2/17/95 19 Ill Reg 1670	12/12/95
12/17/95	Department of Natural Resources, Bonding and Insurance Requirements for Surface Coal Mining and Reclamation Operations (62 Ill Adm Code 1800)	2/17/95 19 Ill Reg 1474	12/12/95
12/17/95	Department of Natural Resources, Permanent Program Performance Standards-Surface Mining Activities (62 Ill Adm Code 1816)	2/17/95 19 Ill Reg 1569	12/12/95
12/17/95	Department of Natural Resources, Permanent Program Performance Standards-Underground Mining Operations (62 Ill Adm Code 1817)	2/17/95 19 Ill Reg 1530	12/12/95
12/17/95	Department of Natural Resources, Special Permanent Program Performance Standards-Operations on High Capability Lands (62 Ill Adm Code 1825)	2/17/95 19 Ill Reg 1676	12/12/95
12/17/95	Department of Natural Resources, Department Inspections (62 Ill Adm Code 1840)	2/17/95 19 Ill Reg 1485	12/12/95
12/17/95	Department of Natural Resources, State Enforcement (62 Ill Adm Code 1843)	2/17/95 19 Ill Reg 1682	12/12/95
12/17/95	Department of Natural Resources, Civil Penalties (62 Ill Adm Code 1845)	2/17/95 19 Ill Reg 1481	12/12/95

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

12/17/95	Department of Natural Resources, Administrative and Judicial Review (62 Ill Adm Code 1847)	2/17/95 19 Ill Reg 1454	12/12/95
12/17/95	Department of Natural Resources, General Rules Relating to Procedure and Practice (62 Ill Adm Code 1848)	2/17/95 19 Ill Reg 1526	12/12/95
12/17/95	Department of Natural Resources, Training, Examination and Certification of Blasters (62 Ill Adm Code 1850)	2/17/95 19 Ill Reg 1697	12/12/95

## ISSUES INDEX

Rules acted upon during the quarter of October 1 through December 31, 1995 are listed in the Issues Index by Title number, Part number and Issue number. For example, 32 III. Adm. Code 610 published in Issue 42 will be listed as 32-610-42. This Issues Index supplements the Sections Affected and Cumulative Indexes published in the October 13, 1995 Illinois Register (Issue 41). Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-7017.

PROPOSED	PROPOSED	ADOPTED
17-1090-41	(CONT'D)	ADOPTED
20-103-46	89-302-44	83-773-42
20-1770-45	89-590-45	83-790-42
23-175-41	89-682-45	89-101-46
23-185-41	89-895R-46	89-104-46
23-3030-41	92-1030-41	89-110-43
32-609-43	92-1040-41	89-112-46
32-610-42	92-1060-41	89-113-43
35-219-41		89-114-43
35-807-41	ADOPTED	89-120-43
35-810-42	11-301-44	89-140-41,45,46
35-811-41	11-303-44	89-505-42
35-816-41	11-304-44	89-553-46
38-399-45	11-305-44	89-830-46
38-1050-41	11-306-44	89-835-45
41-170-44	11-307-44	92-446-46
41-180-44	11-309-44	
44-5000-45	11-310-44	EMERGENCY
50-916-46	11-406-44	77-670-42
50-930-43	11-407-44	77-1110-44
50-2801-41	11-408-44	77-2510-43
56-250-44	11-409-44	89-104-45
56-2520-45	11-421-44	89-112-44
58-1160-44	11-440-44	89-117-40
77-203-45	17-670-45	89-140-42
77-300-42	17-680-45	89-160-45
77-330-42	17-3035-45	89-170-44
77-340-42	20-415-45	PEREMPT.
77-350-42	20-1296-45	8-125-42
77-390-42	35-211-44	80-310-43
77-670-42	35-810-41	8-125-46
80-302-42	38-1050-45	
86-130-41,42	38-1075-45	
86-140-42	44-950-46	
86-215-46	44-950R-46	
86-3000-45	44-5040-42	
89-104-45	50-2011R-46	
89-112-41	50-2012-41	
89-140-42,43,46	50-2018-42	
89-146-42	50-6602-46	
89-160-45	56-2650-45	
89-170-46	77-661	
89-301-44	83-525-42	





**ILLINOIS REGISTER**  
**ADMINISTRATIVE CODE ORDER FORM**

PLEASE USE THIS FORM FOR ALL ORDERS OR TO NOTIFY US OF CHANGE OF ADDRESS  
ALL ORDERS ARE PAYABLE IN ADVANCE OR BY VISA OR Discover  
CHECKS AND/OR MONEY ORDERS ARE PAYABLE TO SECRETARY OF STATE

MICROFICHE SETS OF THE ILLINOIS REGISTER @\$200.00 PER SET  
\_\_1977-1978 \_\_1979 \_\_1980 \_\_1981 \_\_1982 \_\_1983 \_\_1984 \_\_1985 \_\_1986  
\_\_1987 \_\_1988 \_\_1989 \_\_1990 \_\_1991 \_\_1992 \_\_1993 \_\_1994

CUMULATIVE INDICES TO THE ILLINOIS REGISTER @\$1.00 each:  
\_\_1981 \_\_1982 \_\_1983 \_\_1984 \_\_1985 \_\_1986 \_\_1987 \_\_1988 \_\_1989

SECTIONS AFFECTED INDICES TO THE ILLINOIS REGISTER @\$1.00 each:  
\_\_1984 \_\_1985 \_\_1986 \_\_1987 \_\_1988 \_\_1989

CUMULATIVE/SECTIONS AFFECTED INDICES @\$5.00 each:  
\_\_1990 \_\_1991 \_\_1992 \_\_1993

BACK ISSUES OF THE ILLINOIS REGISTER (current year only) @\$10.00 each:

\_\_\_\_\_  
(Volume Number)      (Issue Number)      (Issue Date)

ANNUAL SUBSCRIPTION TO THE ILLINOIS REGISTER @\$290.00 (52 ISSUES)  
\_\_NEW      \_\_RENEWAL

ANNUAL SUBSCRIPTION AND SUPPLEMENT TO THE ILLINOIS ADMINISTRATIVE CODE; PUBLISHED  
QUARTERLY @\$290.00

_____ (1994 Code & 2 Supplements)	_____ (Quantity)	_____ (1995 Supplements)	_____ (Quantity)
---	---------------------	--------------------------------	---------------------

TOTAL AMOUNT OF ORDER: \$ \_\_\_\_\_

\_\_Check \_\_Visa \_\_Discover      Card Number: \_\_\_\_\_  
Expiration Date: \_\_\_\_\_      Signature: \_\_\_\_\_

(IF CHANGE OF ADDRESS, PLEASE LIST THE OLD AND NEW ADDRESS:

\_\_\_\_\_  
(NAME) (PLEASE TYPE OR PRINT)

\_\_\_\_\_  
(ADDRESS)

_____ (CITY)	_____ (STATE)	_____ (ZIP CODE)	_____ (TELEPHONE NUMBER)
-----------------	------------------	---------------------	-----------------------------

**GEORGE H. RYAN**  
**SECRETARY OF STATE**

Address:  
Index Department  
111 E. Monroe  
Springfield, IL 62756

UNITED STATES  
DEPARTMENT OF AGRICULTURE

PLEASE PRINT THE NAME OF THE PERSON OR FIRM TO WHOM THE  
CROP REPORT IS TO BE SENT, AND THE ADDRESS TO WHICH IT  
IS TO BE SENT, IN THE SPACE PROVIDED HEREON.

NAME OF PERSON OR FIRM TO WHOM REPORT IS TO BE SENT  
\_\_\_\_\_  
ADDRESS TO WHICH REPORT IS TO BE SENT  
\_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_

NAME OF PERSON OR FIRM TO WHOM REPORT IS TO BE SENT  
\_\_\_\_\_  
ADDRESS TO WHICH REPORT IS TO BE SENT  
\_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_

NAME OF PERSON OR FIRM TO WHOM REPORT IS TO BE SENT  
\_\_\_\_\_  
ADDRESS TO WHICH REPORT IS TO BE SENT  
\_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_

NAME OF PERSON OR FIRM TO WHOM REPORT IS TO BE SENT  
\_\_\_\_\_  
ADDRESS TO WHICH REPORT IS TO BE SENT  
\_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_

NAME OF PERSON OR FIRM TO WHOM REPORT IS TO BE SENT  
\_\_\_\_\_  
ADDRESS TO WHICH REPORT IS TO BE SENT  
\_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_

NAME OF PERSON OR FIRM TO WHOM REPORT IS TO BE SENT  
\_\_\_\_\_  
ADDRESS TO WHICH REPORT IS TO BE SENT  
\_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_

NAME OF PERSON OR FIRM TO WHOM REPORT IS TO BE SENT  
\_\_\_\_\_  
ADDRESS TO WHICH REPORT IS TO BE SENT  
\_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_

NAME OF PERSON OR FIRM TO WHOM REPORT IS TO BE SENT  
\_\_\_\_\_  
ADDRESS TO WHICH REPORT IS TO BE SENT  
\_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_

NAME OF PERSON OR FIRM TO WHOM REPORT IS TO BE SENT  
\_\_\_\_\_  
ADDRESS TO WHICH REPORT IS TO BE SENT  
\_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_

NAME OF PERSON OR FIRM TO WHOM REPORT IS TO BE SENT  
\_\_\_\_\_  
ADDRESS TO WHICH REPORT IS TO BE SENT  
\_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_

NAME OF PERSON OR FIRM TO WHOM REPORT IS TO BE SENT  
\_\_\_\_\_  
ADDRESS TO WHICH REPORT IS TO BE SENT  
\_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_

NAME OF PERSON OR FIRM TO WHOM REPORT IS TO BE SENT  
\_\_\_\_\_  
ADDRESS TO WHICH REPORT IS TO BE SENT  
\_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_

NAME OF PERSON OR FIRM TO WHOM REPORT IS TO BE SENT  
\_\_\_\_\_  
ADDRESS TO WHICH REPORT IS TO BE SENT  
\_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_

NAME OF PERSON OR FIRM TO WHOM REPORT IS TO BE SENT  
\_\_\_\_\_  
ADDRESS TO WHICH REPORT IS TO BE SENT  
\_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_

UNITED STATES  
DEPARTMENT OF AGRICULTURE  
BUREAU OF CROPS  
WASHINGTON, D. C.  
20250





